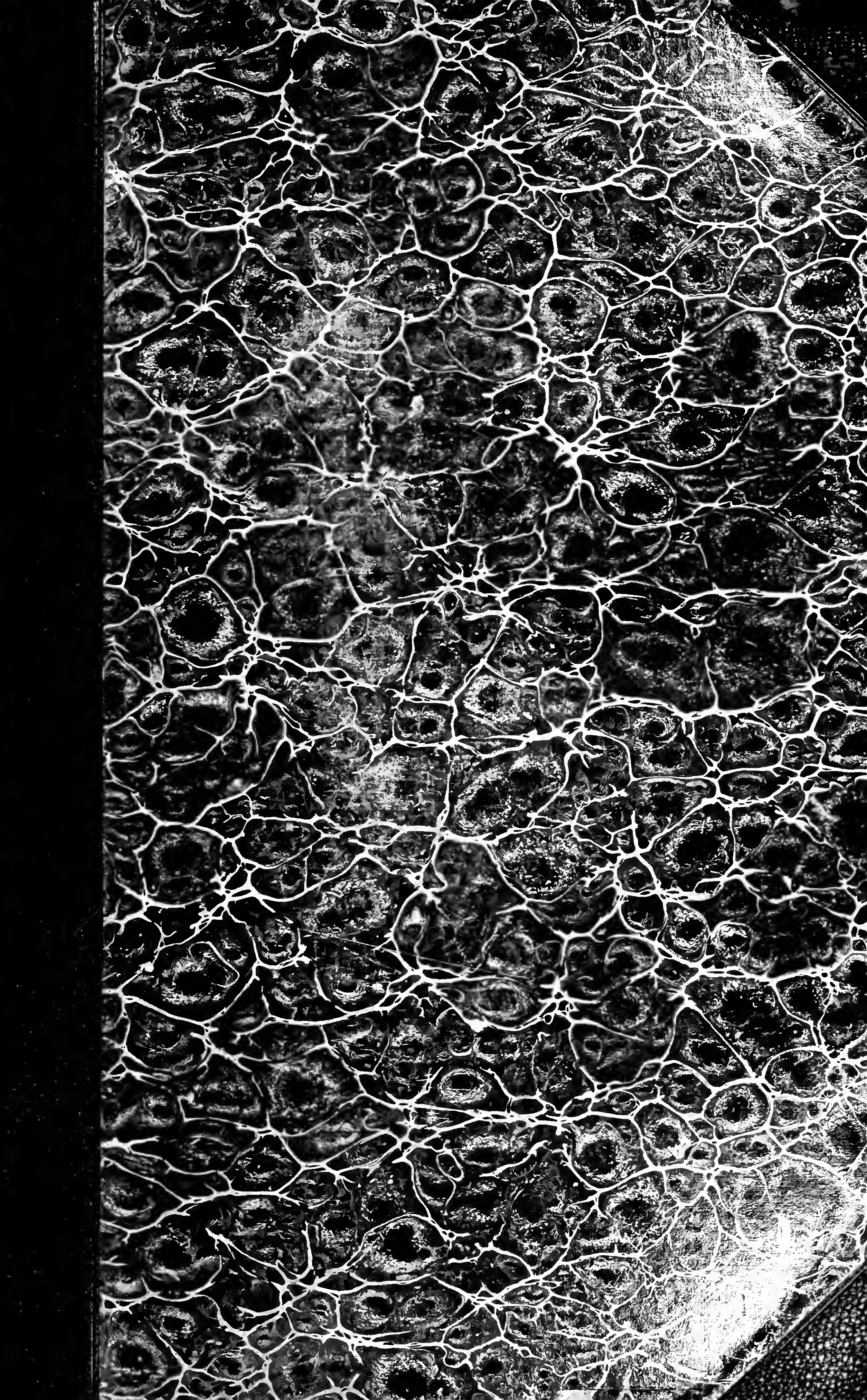
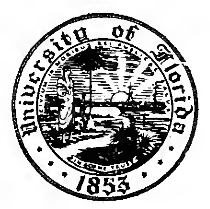
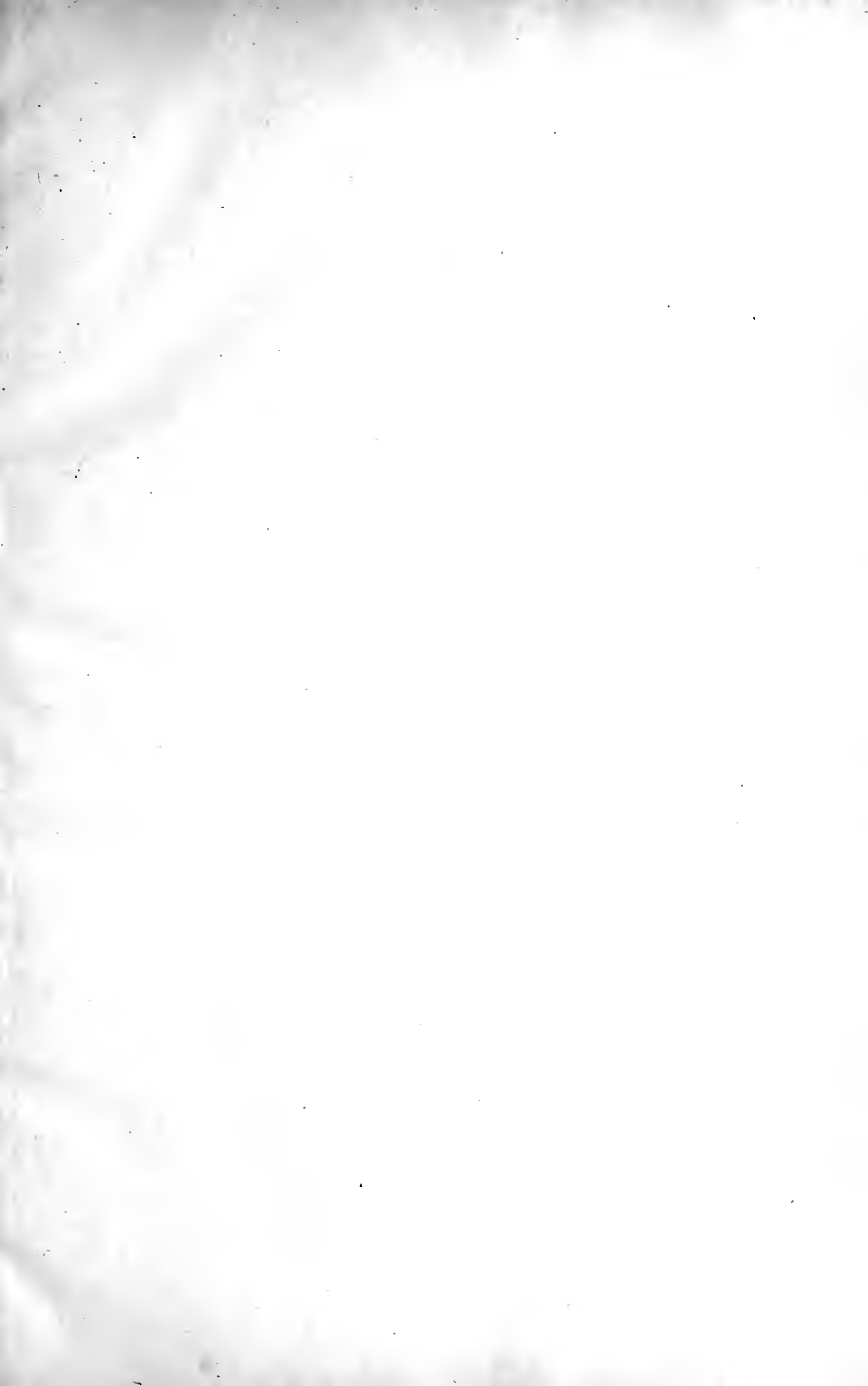


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Das Staatsarchiv.

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zur

Geschichte der Gegenwart.

Begründet

von

Aegidi und **Klauhold.**

Herausgegeben

von

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Nr. 12247. GROSSBRITANNIEN und BOLIVIA. — Auslieferungsvertrag.

Lima, 22. Februar 1892.

Nr. 12247. Grofs-britannien u. Bolivia. 22. Febr. 1892.

Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, and his Excellency the President of the Republic of Bolivia, having judged it expedient, with a view to the better administration of justice and to the prevention of crime within the two countries and their jurisdictions, that persons charged with or convicted of the crimes or offences hereinafter enumerated, and being fugitives from justice, should, under certain circumstances, be reciprocally delivered up, have named as their Plenipotentiaries to conclude a Treaty (that is to say): || Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, her Chargé d'Affaires ad interim Mr. George Jenner; || And his Excellency the President of the Republic of Bolivia, Señor Don José Manuel Braun, Envoy Extraordinary and Minister Plenipotentiary in Peru: || Who, after having communicated to each other their respective Full Powers, found in good and due form, have agreed upon and concluded the following Articles:—

Article I.

The high Contracting Parties engage to deliver up to each other, under certain circumstances and conditions stated in the present Treaty, those persons who, being accused or convicted of any of the crimes or offences enumerated in Article II, committed in the territory of the one Party, shall be found within the territory of the other Party.

Article II.

Extradition shall be reciprocally granted for the following crimes or offences:— || 1. Murder (including assassination, parricide, infanticide, poisoning), or attempt or conspiracy to murder. || 2. Manslaughter. || 3. Administering drugs or using instruments with intent to procure the miscarriage of women. || 4. Rape. || 5. Carnal knowledge or any attempt to have carnal knowledge of

Nr. 12247. Grofsbritannien u. Bolivia. 22. Febr. 1892.

a girl under 16 years of age, if the evidence produced justifies committal for those crimes according to the laws of both the Contracting Parties. || 6. Indecent assault. || 7. Kidnapping and false imprisonment, child-stealing. || 8. Abduction. || 9. Bigamy. || 10. Maliciously wounding or inflicting grievous bodily harm. || 11. Assault occasioning actual bodily harm. || 12. Threats, by letter or otherwise, with intent to extort money or other things of value. || 13. Perjury, or subornation of perjury. || 14. Arson. || 15. Burglary or housebreaking, robbery with violence, larceny, or embezzlement. || 16. Fraud by a bailee, banker, agent, factor, trustee, director, member, or public officer of any Company, punishable with imprisonment for not less than one year by any law for the time being in force. || 17. Obtaining money, valuable security, or goods by false pretences; receiving any money, valuable security, or other property knowing the same to have been stolen or unlawfully obtained. || 18. (a.) Counterfeiting or altering money, or bringing into circulation counterfeited or altered money. || (b.) Knowingly making, without lawful authority, any instrument, tool, or engine adapted and intended for the counterfeiting of the coin of the realm. || (c.) Forgery, or uttering what is forged. || 19. Crimes against Bankruptcy Law. || 20. Any malicious act done with intent to endanger the safety of any person travelling or being upon a railway. || 21. Malicious injury to property, if such offence be indictable. || 22. Piracy, and other crimes or offences committed at sea against persons or things which, according to the laws of the High Contracting Parties, are extradition offences, and are punishable by more than one year's imprisonment. || 23. Dealing in slaves in such manner as to constitute a criminal offence against the laws of both States. || The extradition is also to be granted for participation in any of the aforesaid crimes, provided such participation be punishable by the laws of both Contracting Parties. || Extradition may also be granted at the discretion of the State applied to in respect of any other crime for which, according to the laws, of both the Contracting Parties for the time being in force, the grant can be made.

Article III.

Either Government reserves the right to refuse or grant the surrender of its own subjects or citizens to the other Government.

Article IV.

The extradition shall not take place if the person claimed on the part of Her Majesty's Government, or the person claimed on the part of the Government of Bolivia, has already been tried and discharged or punished, or is still under trial in the territory of the Republic of Bolivia or in the United Kingdom respectively for the crime for which his extradition is demanded. || If the person claimed on the part of Her Majesty's Government, or on the part of the Government of Bolivia, should be under examination for any other crime in the territory of the Republic of Bolivia or in the United Kingdom

respectively, his extradition shall be deferred until the conclusion of the trial, and the full execution of any punishment awarded to him.

Article V.

The extradition shall not take place if, subsequently to the commission of the crime, or the institution of the penal prosecution or the conviction thereon, exemption from prosecution or punishment has been acquired by lapse of time, according to the laws of the State applying or applied to. || It shall likewise not take place when, according to the laws of either country, the maximum punishment for the offence is imprisonment for less than one year.

Article VI.

A fugitive criminal shall not be surrendered if the offence in respect of which his surrender is demanded is one of a political character, or if he prove that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offence of a political character.

Article VII.

A person surrendered can in no case be kept in prison or be brought to trial in the State to which the surrender has been made, for any other crime, or on account of any other matters, than those for which the extradition shall have taken place, until he has been restored, or has had an opportunity of returning, to the State by which he has been surrendered. || This stipulation does not apply to crimes committed after the extradition.

Article VIII.

The requisition for extradition shall be made through the Diplomatic Agents of the High Contracting Parties respectively. || The requisition for the extradition of an accused person must be accompanied by a warrant of arrest issued by the competent authority of the State requiring the extradition, and by such evidence as, according to the laws of the place where the accused is found, would justify his arrest if the crime had been committed there. || If the requisition relates to a person already convicted, it must be accompanied by the sentence of condemnation passed against the convicted person by the competent Court of the State that makes the requisition for extradition. || A sentence passed in contumaciam is not to be deemed a conviction, but a person so sentenced may be dealt with as an accused person.

Article IX.

If the requisition for extradition be in accordance with the foregoing stipulations, the competent authorities of the State applied to shall proceed to the arrest of the fugitive.

Article X.

A fugitive criminal may be apprehended under a warrant issued by any Police Magistrate, Justice of the Peace, or other competent authority in either

Nr. 12247. Grofsbritannien u. Bolivia. 22. Febr. 1892.

country, on such information or complaint, and such evidence, or after such proceedings, as would, in the opinion of the authority issuing the warrant, justify the issue of a warrant if the crime had been committed or the person convicted in that part of the dominions of the two Contracting Parties in which the Magistrate, Justice of the Peace, or other competent authority exercises jurisdiction; provided, however, that in the United Kingdom the accused shall, in such case, be sent as speedily as possible before a Police Magistrate in London. He shall, in accordance with this Article, be discharged, as well in the Republic of Bolivia as in the United Kingdom, if within the term of sixty days a requisition for extradition shall not have been made by the Diplomatic Agent of his country in accordance with the stipulations of this Treaty. The same rule shall apply to the cases of persons accused or convicted of any of the crimes or offences specified in this Treaty, and committed on the high seas on board any vessel of either country which may come into a port of the other.

Article XI.

The extradition shall take place only if the evidence be found sufficient, according to the laws of the State applied to, either to justify the committal of the prisoner for trial, in case the crime had been committed in the territory of the same State, or to prove that the prisoner is the identical person convicted by the Courts of the State which makes the requisition, and that the crime of which he has been convicted is one in respect of which extradition could, at the time of such conviction, have been granted by the State applied to; and no criminal shall be surrendered until after the expiration of fifteen days from the date of his committal to prison to await the warrant for his surrender.

Article XII.

In the examinations which they have to make in accordance with the foregoing stipulations, the authorities of the State applied to shall admit as valid evidence the sworn depositions or statements of witnesses taken in the other State, or copies thereof, and likewise the warrants and sentences issued therein, and certificates of, or judicial documents stating, the fact of a conviction, provided the same are authenticated as follows:— || 1. A warrant must purport to be signed by a Judge, Magistrate, or officer of the other State. || 2. Depositions, or affirmations, or the copies thereof, must purport to be certified, under the hand of a Judge, Magistrate, or officer of the other State, to be the original depositions or affirmations, or to be true copies thereof, as the case may require. || 3. A certificate of, or judicial document stating, the fact of a conviction must purport to be certified by a Judge, Magistrate, or officer of the other State. || 4. In every case such warrant, deposition, affirmation, copy, certificate, or judicial document must be authenticated either by the oath of some witness, or by being sealed with the official seal of the Minister of Justice, or some other Minister of the other State; but

any other mode of authentication for the time being permitted by the law of the country where the examination is taken may be substituted for the foregoing.

Article XIII.

If the individual claimed by one of the High Contracting Parties in pursuance of the present Treaty should be also claimed by one or several other Powers on account of other crimes or offences committed upon their respective territories, his extradition shall be granted to that State whose demand is earliest in date.

Article XIV.

If sufficient evidence for the extradition be not produced within two months from the date of the apprehension of the fugitive, or within such further time as the State applied to, or the proper Tribunal thereof, shall direct, the fugitive shall be set at liberty.

Article XV.

All articles seized which were in the possession of the person to be surrendered at the time of his apprehension shall, if the competent authority of the State applied to for the extradition has ordered the delivery of such articles, be given up when the extradition takes place; and the said delivery shall extend not merely to the stolen articles, but to everything that may serve as a proof of the crime.

Article XVI.

All expenses connected with extradition shall be borne by the demanding State.

Article XVII.

The stipulations of the present Treaty shall be applicable to the Colonies and foreign possessions of Her Britannic Majesty, so far as the laws for the time being in force in such Colonies and foreign possessions respectively will allow. || The requisition for the surrender of a fugitive criminal, who has taken refuge in any of such Colonies or foreign possessions, shall be made to the Governor or chief authority of such Colony or possession by the chief Consular officer of the Republic of Bolivia in such Colony or possession. || Such requisition may be disposed of, subject always, as nearly as may be, and so far as the law of such Colony or foreign possession will allow, to the provisions of this Treaty, by the said Governor or chief authority, who, however, shall be at liberty either to grant the surrender or to refer the matter to his Government. || Her Britannic Majesty shall, however, be at liberty to make special arrangements in the British Colonies and foreign possessions for the surrender of Bolivian criminals who may take refuge within such Colonies and foreign possessions, on the basis, so far as the law of such Colony or foreign possession will allow, of the provisions of the present Treaty. || Requisitions for the surrender of a fugitive criminal emanating from any Colony or foreign posses-

Nr. 12247. Grofsbritannien u. Bolivia. 22. Febr. 1892.

sion of Her Britannic Majesty shall be governed by rules laid down in the preceding Articles of the present Treaty.

Article XVIII.

The present Treaty shall come into force ten days after its publication, in conformity with the forms prescribed by the laws of the High Contracting Parties. It may be terminated by either of the High Contracting Parties by a notice not exceeding one year, and not less than six months. || The Treaty, after receiving the approval of the Congress of the Republic of Bolivia, shall be ratified, and the ratifications shall be exchanged at Lima as soon as possible. || In witness whereof the respective Plenipotentiaries have signed the same, and have affixed thereto the seal of their arms.

Done at Lima, on the twentysecond day of February, one thousand eight hundred and ninety-two.

G. Jenner.
J. M. Braun.

Nr. 12248. GROSSBRITANNIEN und PORTUGAL. — Notenaustausch über die Abgrenzung ihrer Besitzungen in Amatongaland.

London, 29. Dezember 1898. / 25. Januar 1899.

No. 1.

The Marquess of Salisbury to Senhor de Soveral.

Foreign Office, December 29, 1898.

Nr. 12248. Grofsbritannien u. Portugal. 29. Dez. 1898. / 25. Jan. 1899.

Sir, || In the month of September last you informed me that the Government of His Most Faithful Majesty desired to confirm, by an exchange of notes, the delimitation of the frontier between the British and the Portuguese possessions in Amatongaland, and I now have the honour to state that Her Majesty's Government accept the work of the Anglo-Portuguese Commissioners, who have delimited the frontier on the spot, and have placed beacons to show it, as the definitive settlement of the frontier in question. || On receiving an assurance of corresponding tenour from you, Her Majesty's Government will consider the matter as closed.

I have, &c.

(Signed) Salisbury.

No. 2.

Senhor de Soveral to the Marquess of Salisbury. — (Received January 26.)

Portuguese Legation, London, January 25, 1899.

My Lord, || In answer to your Lordship's note of the 29th December, referring to the delimitation of the frontier between the Portuguese and British possessions in Amatongaland, I have the honour to state that His Most Faithful Majesty's Government accept the work of the Anglo-Portuguese Commissioners, who have delimited the frontier on the spot, and have placed beacons to show it, as the definitive settlement of the frontier in question, and therefore consider the matter as closed.

I have, &c.

(Signed) Luiz de Soveral.

Nr. 12249. GROSSBRITANNIEN und VEREINIGTE STAATEN. — Abkommen über Geldsendungen zwischen den Vereinigten Staaten und der brit. Kolonie Honduras.

Washington, 20. Februar 1899.

Nr. 12249. Grofsbritannien u. Vereinigte Staaten. 20. Feb. 1899.

The Post Office Department of the United States of America and the General Post Office of the Colony of British Honduras, being desirous of establishing a system of exchange of money orders between the two countries, the Undersigned, duly authorized for that purpose, have agreed upon the following Articles:—

Article I.

1. There shall be a regular exchange of money orders between the two countries. || 2. The maximum of each order is fixed at one hundred dollars ($ 100). || 3. No money order shall include a fractional part of a cent.

Article II.

1. The British Honduras Post Office shall have power to fix the rates of commission (fees paid by the public) on all money orders issued in British Honduras, and the Post Office Department of the United States shall have the same power in regard to all money orders issued in the United States. || 2. Each country shall communicate from time to time to the other its tariff of charges, or rates of commission (fees paid by the public), which shall be established under this Convention; and these rates shall, in all cases, be payable in advance by the remitters, and shall not be repayable. || 3. It is understood, moreover, that each country is authorized to suspend, temporarily, the exchange of money orders, should circumstances give rise to abuses or cause detriment to the postal revenue.

Article III.

1. Each country shall keep the commission (fees paid by the public) charged on all money orders within its jurisdiction, but shall pay to the other country one-half of 1 per cent. on the amount uf such orders.

Article IV.

1. The service of the postal money order system between the two countries shall be performed exclusively by the agency of offices of exchange. On the part of the United States the Office of Exchange shall be New Orleans, and on the part of British Honduras, Belize. || 2. Orders shall be drawn only on the authorized money order offices of the respective countries, and each Postal Administration shall furnish to the other a list of such offices, and shall, from time to time, notify any addition to or change in such list. || 3. Every order and advice must contain the name of the office and of the country of destination, and if relating to an order payable in the United States, the name of the State in which such office is situated.

Nr. 12249. Grofsbritannien u. Vereinigte Staaten. 20. Feb. 1899.

Article V.

1. No money order shall be issued unless the applicant furnish the name and address of the person to whom the amount is to be paid, and his own name and address, or the name of the firm or Company who are the remitters or payees, together with the addresses of each. || 2. The money orders issued in either country shall be forwarded by the remitters to the payees at their own expense.

Article VI.

1. The advices of all money orders issued upon British Honduras by the post offices in the United States shall be sent to the Office of Exchange at New Orleans, where they shall be examined, and, if found correct, impressed with the dated stamp of that office and transmitted, by the next mail, to the Exchange Office at Belize, accompanied by the original list, the duplicate (model of Form A) of which shall be sent by the next mail after the despatch of the original. || 2. The advices, on their arrival at Belize, shall be compared with the entries in the list, and afterwards despatched to the paying offices. || 3. In like manner, the advices of money orders drawn on the United States by Postmasters in British Honduras shall be sent to the Exchange Office at Belize, shall be there examined, and, if found correct, impressed with the dated stamp of that office, and be despatched, accompanied by a list, in duplicate, Form B (see Article VII, paragraph 2), to the Office of Exchange at New Orleans by the next mail. || 4. The advices, on their receipt at New Orleans, shall be compared with the entries in the list, and afterwards despatched to the paying offices. || 5. Each Exchange Office shall certify its orders to the other on the lists specified in Article VI.

Article VII.

1. The lists despatched from each Office of Exchange shall be numbered consecutively, commencing with No. 1 at the beginning of the month of July in each year, and the entries in these lists shall also have consecutive numbers. || 2. Of each list despatched a duplicate shall be sent by the following mail, which duplicate, after being verified by the receiving Office of Exchange, shall be returned to the despatching Office of Exchange. || 3. Each Office of Exchange shall promptly communicate to the other the correction of any simple error which it may discover in the verification of the lists. || 4. When the list shall show irregularities which the receiving Office of Exchange shall not be able to rectify, that office shall apply for an explanation to the despatching Exchange Office, and such explanation shall be afforded without delay. || 5. Should any list or the duplicate thereof fail to be received in due course, the despatching Exchange Office, on receiving information to that effect, shall transmit, without delay, a duplicate or triplicate of the list, duly certified as such.

Article VIII.

1. Duplicate orders shall only be issued by the Postal Administration of the country on which the original orders were drawn, and in conformity with the Regulations established or to be established in that country.

Article IX.

1. The orders, issued by each country on the other, shall be subject, as regards payment, to the Regulations which govern the payment of domestic money orders in the country on which they were drawn. || 2. The paid orders shall remain in the possession of the country of payment.

Article X.

1. Repayment of orders to remitters shall not be made until an authorization for such repayment shall first have been obtained by the country of issue from the country where such orders are payable, and the amounts of the repaid orders shall be duly credited by the former country in the quarterly account (Article XII). || 2. It is the province of each Postal Administration to determine the manner in which repayment to remitters is to be made.

Article XI.

1. Orders which shall not have been paid within twelve calendar months from the month of issue shall become void, and the sums received shall accrue to and be at the disposal of the country of origin. || 2. The British Honduras Office shall, therefore, enter to the credit of the United States, in the quarterly account, all money orders entered in the lists received from the United States which remain unpaid at the end of the period specified (Article XII). || 3. On the other hand, the Post Office Department of the United States shall, at the close of each month, transmit to the British Honduras Office, for entry in the quarterly account, a detailed statement of all orders included in the list despatched from the latter office which under this Article become void.

Article XII.

1. At the close of each quarter an account shall be prepared at the General Post Office of British Honduras, showing, in detail, the totals of the lists containing the particulars of orders issued in either country during the quarter, and the balance resulting from such transactions. || 2. Three copies of this account shall be transmitted to the Post Office Department of the United States at Washington, and the balance, after proper verification, shall, if due by the Post Office Department of the United States, be paid at Belize, but if due by the British Honduras Post Office, it shall be paid at New Orleans, and in the money of the country to which the payment is made. || 3. Payments may also be made in money, or by drafts or by bills of exchange on points other than Belize or New Orleans by mutual agreement between the two Departments.

Nr. 12249. Grofsbritannien u. Vereinigte Staaten. 20. Feb. 1899.

Article XIII.

1. If, pending the settlement of an account, one of the two Postal Administrations shall ascertain that it owes the other a balance exceeding one thousand dollars ($ 1,000), the indebted Administration shall promptly remit the approximate amount of such balance to the credit of the other; but nothing herein contained shall prevent such Administration from remitting a lesser amount than one thousand dollars ($ 1,000) at discretion. This account, and the letters which accompany such intermediate remittances, shall be in accordance with the Forms (C), (D), (E), (F) annexed to this Convention.

Article XIV.

1. The Postal Administration in each country shall be authorized to adopt any additional rules (if not repugnant to the foregoing) for greater security against fraud, or for the better working of the system generally. || 2. All such additional rules, however, must be promptly communicated to the Post Office Department of the other country.

Article XV.

1. This present Convention shall take effect on the first day of April, 1899, and shall continue in force until twelve months after either of the Contracting Parties shall have notified to the other its intention to terminate it.

Done in duplicate and signed in Washington on the twentieth day of February, in the year of our Lord 1899.

(L. S.) Julian Pauncefote,
Her Britannic Majesty's Ambassador.

(L. S.) A. Emory Smith,
Postmaster-General of the United States.

Nr. 12250. GROSSBRITANNIEN und VEREINIGTE STAATEN. — Notenaustausch über eine vorläufige Grenzregulierung zwischen Kanada und Alaska.

Washington, 20. Oktober 1899.

Nr. 1.

Mr. Hay to Mr. Tower.

Department of State, Washington, October 20, 1899.

Nr. 12250. Grofsbritannien u. Vereinigte Staaten. 20. Okt. 1899.

Sir, || Your note of the 13th instant was duly received, in which you submit to me, under instructions from the Marquess of Salisbury, a modified form of Agreement relative to a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal. || I have given careful consideration to the modifications indicated in your note, and am prepared, on the part of the Government of the United States, to accept the same as a provisional Agreement respecting the boun-

Nr. 12250. Grofs-britannien u. Vereinigte Staaten. 20. Okt. 1899.

dary in the localities stated. In examining the text of the proposed Agreement, inclosed in your note of the 13th instant, I have, however, noted some verbal changes which it seems desirable should be made, and which in nowise affect the terms of the Agreement. I therefore submit the following as the text of Agreement to be observed by the two Governments:— || „It is hereby agreed between the Governments of the United States and of Great Britain that the boundary-line between Canada and the territory of Alaska in the region about the head of Lynn Canal shall be provisionally fixed as follows, without prejudice to the claims of either Party in the permanent adjustment of the international boundary:— || „In the region of the Dalton Trail, a line beginning at the peak west of Porcupine Creek, marked on the Map No. 10 of the United States' Commission, December 31, 1895, and on shet No. 18 of the British Commission, December 31, 1895, with the number 6500; thence running to the Klehini (or Klaheela) River, in the direction of the peak north of that river, marked 5020 on the aforesaid United States' Map, and 5025 on the aforesaid British Map; thence following the high or right bank of the said Klehini River to the junction thereof with the Chilkat River, a mile and a-half, more or less, north of Klukwan, — provided that persons proceeding to or from Porcupine Creek shall be freely permitted to follow the trail between the said creek and the said junction of the rivers into and across the territory on the Canadian side of the temporary line wherever the trail crosses to such side, and, subject to such reasonable Regulations for the protection of the revenue as the Canadian Government may prescribe, to carry with them over such part or parts of the trail between the said points as may lie on the Canadian side of the temporary line, such goods and articles as they desire, without being required to pay any customs duties on such goods and articles: and from said junction to the summit of the peak east of the Chilkat River, marked on the aforesaid Map No. 10 of the United States' Commission with the number 5410, and on the Map No. 17 of the aforesaid British Commission with the number 5490. || „On the Dyea and Skagway Trails, the summits of the Chilkoot and White Passes. || „It is understood, as formerly set forth in communications of the Department of State of the United States, that the citizens or subjects of either Power, found by this arrangement within the temporary jurisdiction of the other, shall suffer no diminution of the rights and privileges which they now enjoy. || „The Government of the United States will at once appoint an officer or officers in conjunction with an officer or officers to be named by the Government of Her Britannic Majesty, to mark the temporary line agreed upon by the erection of posts, stakes, or other appropriate temporary marks.“

It shall be understood that the foregoing Agreement is binding upon the two Governments from the date of your written acceptance of its terms.

I have, &c.

(Signed) John Hay.

No. 2.

Mr. Tower to Mr. Hay.

Washington, 20. Oktober 1899.

Nr. 12250. Grofsbritannien. Vereinigte Staaten. 20. Okt. 1899.

Sir, || I have the honour to acknowledge the receipt of your note of the 20th instant, submitting the following as the text of the Agreement to be observed by the two Governments as a provisional boundary between the territory of Alaska and the Dominion of Canada in the region about the head of Lynn Canal:— (folgt das vorhergehende).

Nr. 12251. DEUTSCHES REICH und ÖSTERREICH-UNGARN. — Übereinkommen, betreffend den Schutz der Urheberrechte an Werken der Litteratur, Kunst und Photographie. — Nebst erläuternder Denkschrift.

Berlin, 30. Dezember 1899.

Nr. 12251. Deutsches Reich und Österreich-Ungarn. 30. Dez. 1899.

Seine Majestät der Deutsche Kaiser, König von Preufsen, im Namen des Deutschen Reichs, einerseits, || und || Seine Majestät der Kaiser von Österreich, König von Böhmen etc. und Apostolischer König von Ungarn, andererseits, || von dem Wunsche beseelt, die Urheberrechte an Werken der Literatur, Kunst und Photographie in den beiderseitigen Staatsgebieten in wirksamer Weise zu sichern, haben beschlossen, zu diesem Behuf ein besonderes Übereinkommen zu treffen und demgemäfs zu Ihren Bevollmächtigten ernannt: || Seine Majestät der Deutsche Kaiser, König von Preufsen || Allerhöchstihren Staatsminister, Staatssekretär des Auswärtigen Amtes Herrn Bernhard Grafen von Bülow || und || Seine Majestät der Kaiser von Österreich, König von Böhmen etc. und Apostolischer König von Ungarn: || Allerhöchstihren Kämmerer und Wirklichen Geheimen Rath etc. etc., aufserordentlichen und bevollmächtigten Botschafter bei Seiner Majestät dem Deutschen Kaiser, König von Preufsen, Herrn Ladislaus Szögyény-Marich von Magyar-Szögyén und Szolgaegyháza, || welche, nachdem sie sich gegenseitig ihre Vollmachten mitgeteilt und dieselben in guter und gehöriger Ordnung befunden, die folgenden Artikel vereinbart haben:

Artikel I.

Jedes Werk der Litteratur, der Kunst und der Photographie, welches in den Staatsgebieten eines der vertragschliefsenden Teile einheimisch ist, wird in den Staatsgebieten des anderen Teiles, wenn es nicht auch dort als einheimisch anzusehen ist, den dort für Werke gleicher Art durch die inländische Gesetzgebung jeweils gewährten Schutz auf Grund dieses Übereinkommens geniefsen. || Der vertragsmäfsige Schutz wird jedoch nicht gewährt, wenn das Werk dort, wo es einheimisch ist, überhaupt keinen gesetzlichen Schutz geniefst. Er soll ferner nicht länger bestehen, als der gesetzliche Schutz dort dauert, wo das Werk einheimisch ist.

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Artikel II.

Als einheimisch gilt ein Werk, wenn auf dasselbe vermöge seines Erscheinungsorts oder vermöge der Staatsangehörigkeit oder des Wohnsitzes seines Urhebers die betreffende inländische Gesetzgebung Anwendung findet.

Artikel III.

Im Verhältnisse zwischen dem Deutschen Reiche und den im Österreichischen Reichsrate vertretenen Königreichen und Ländern ist der vertragsmäfsige Schutz von der Erfüllung nur der Bedingungen und Förmlichkeiten abhängig, welche durch die Gesetzgebung des Teiles vorgeschrieben sind, in dessen Gebiete das betreffende Werk einheimisch ist. || Dagegen ist im Verhältnisse zwischen den Ländern der Ungarischen Krone und dem Deutschen Reiche der vertragsmäfsige Schutz davon abhängig, dafs hinsichtlich der Bedingungen und Förmlichkeiten nicht nur den Gesetzen und Vorschriften des vertragschliefsenden Teiles, in dessen Gebiete das Werk einheimisch ist, sondern auch den Gesetzen und Vorschriften des anderen Teiles, in dessen Gebiete der vertragsmäfsige Schutz gewährt werden soll, entsprochen worden ist. || Als Bedingungen und Förmlichkeiten im Sinne dieses Artikels sind insbesondere der Vorbehalt des Übersetzungsrechts und der Beginn der Übersetzung innerhalb einer bestimmten Frist anzusehen; das Gleiche gilt von dem Vorbehalte des Rechtes der öffentlichen Aufführung bei musikalischen Werken.

Artikel IV.

Das ausschliefsliche Übersetzungsrecht dauert hinsichtlich der Sprachen, in denen nicht eine rechtmäfsige und vollständige Übersetzung herausgegeben worden ist, keinenfalls länger als drei Jahre nach der Herausgabe des Werkes. || Bezüglich der Sprachen, in denen eine solche Übersetzung rechtzeitig herausgegeben ist, endigt das Übersetzungsrecht erst fünf Jahre nach dieser Herausgabe. || Bei Berechnung der Fristen ist das Kalenderjahr der Herausgabe des Werkes oder der Übersetzung nicht mitzuzählen.

Artikel V.

Die durch dieses Übereinkommen gewährleisteten Rechte stehen nicht nur den Urhebern, sondern auch ihren Rechtsnachfolgern, mit Einschlufs der Verleger, zu, gleichviel ob das Urheberrecht als solches oder nur zur Ausübung auf den Rechtsnachfolger übergegangen ist. || Damit die Urheber bis zum Beweise des Gegenteils als solche angesehen und demgemäfs von den Gerichten der vertragschliefsenden Teile zur Verfolgung ihrer Rechte zugelassen werden, genügt es, wenn ihr Name in der üblichen Weise auf dem Werke angegeben ist. || Bei anonymen oder pseudonymen Werken ist der Herausgeber, und wenn ein solcher nicht oder nicht mit seinem wahren Namen angegeben ist, der Verleger berechtigt, die dem Urheber zustehenden Rechte wahrzunehmen. || Der Herausgeber und der Verleger gelten in diesen Fällen

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ohne weiteren Beweis als Rechtsnachfolger des anonymen oder pseudonymen Urhebers.

Artikel VI.

Die Bestimmungen des gegenwärtigen Übereinkommens sollen in keiner Beziehung das jedem der beiden vertragschliefsenden Teile zustehende Recht beeinträchtigen, durch Mafsregeln der Gesetzgebung oder inneren Verwaltung die Verbreitung, die Aufführung, die Ausstellung oder das Feilbieten eines jeden Werkes oder Erzeugnisses zu überwachen oder zu untersagen. || Jedem der beiden vertragschliefsenden Teile bleibt gleicherweise das Recht gewahrt, im eigenen Gebiete die Einfuhr solcher Werke zu verbieten, welche nach seinen inneren Gesetzen oder in Gemäfsheit seiner Verabredungen mit anderen Mächten als unerlaubte Wiedergabe erklärt sind oder erklärt werden.

Artikel VII.

Die Bestimmungen dieses Übereinkommens sollen auch auf die vor Beginn der Wirksamkeit desselben vorhandenen Werke Anwendung finden. Jedoch können begonnene Vervielfältigungen und Nachbildungen, deren Herstellung bisher nicht verboten war, vollendet und gleich den bereits erlaubterweise hergestellten verbreitet werden. || Desgleichen können die Vorrichtungen zur Vervielfältigung oder Nachbildung (Abdrücke, Abgüsse, Platten, Steine und Formen), deren Herstellung bisher nicht verboten war, zu besagtem Zwecke noch während eines Zeitraums von vier Jahren, vom Beginne der Wirksamkeit des gegenwärtigen Übereinkommens an, benutzt werden. || Die Verbreitung solcher Vervielfältigungen oder Nachbildungen und die fernere Benutzung der bezeichneten Vorrichtungen ist aber nur dann gestattet, wenn diese Gegenstände infolge eines von der beteiligten Partei binnen drei Monaten nach Beginn der Wirksamkeit des gegenwärtigen Übereinkommens gestellten Ansuchens in einem Inventare verzeichnet und mit einem besonderen Stempel versehen worden sind. Die näheren Bestimmungen hierüber werden durch die Verwaltungsbehörden getroffen. || Die vor Beginn der Wirksamkeit des gegenwärtigen Übereinkommens rechtmäfsig zur Aufführung gebrachten dramatischen, musikalischen und dramatisch-musikalischen Werke können auch ferner frei aufgeführt werden.

Artikel VIII.

Das gegenwärtige Übereinkommen wird durch zehn Jahre von dem Tage ab, an welchem es in Wirksamkeit tritt, in Kraft bleiben. || In dem Falle, dafs keiner der vertragschliefsenden Teile zwölf Monate vor dem Ablaufe des zehnjährigen Zeitraums das gegenwärtige Übereinkommen aufkündigt, bleibt dasselbe in Kraft bis zum Ablauf eines Jahres, von dem Tage ab gerechnet, an welchem einer der vertragschliefsenden Teile die Kündigung erklärt.

Artikel IX.

Das gegenwärtige Übereinkommen soll ratifiziert, und die Ratifikations-Urkunden sollen sobald als möglich in Berlin ausgetauscht werden; es wird

mit Beginn des fünfzehnten Tages nach dem Tage, an welchem der Austausch der Ratifikationen erfolgt ist, in Wirksamkeit treten. || Zu Urkund dessen haben die beiderseitigen Bevollmächtigten das Übereinkommen unterzeichnet und mit ihrem Wappen gesiegelt. || So geschehen in zweifacher Ausfertigung in Berlin, am 30. Dezember im Jahre Eintausend achthundertneunundneunzig.

(L. S.) Bülow.
(L. S.) Szögyény.

Schlufsprotokoll.

Im Begriffe, zur Vollziehung des unter dem heutigen Datum abgeschlossenen Übereinkommens zu schreiten, haben die unterzeichneten Bevollmächtigten das Nachstehende verabredet:

Zu Artikel I und II.

In Betreff des Verhältnisses zwischen den im Österreichischen Reichsrate vertretenen Königreichen und Ländern einerseits und dem Deutschen Reiche andererseits besteht Einverständnis darüber: || 1. dafs die in dem einen Gebiet erschienenen Werke inländischer Urheber in dem anderen Gebiete nicht als einheimisch gelten und deshalb nur den vertragsmäfsigen Schutz geniefsen; || 2. dafs einem Werke, soweit dasselbe durch die Gesetzgebung des einen Teiles nur vermöge seines Erscheinens geschützt wird, der vertragsmäfsige Schutz nur dann zukommt, wenn es auch nach der inländischen Gesetzgebung des anderen Teiles als in dem Gebiete des ersteren Teiles erschienen gilt. || Das gegenwärtige Protokoll, welches ohne besondere Ratifikation, durch die blofse Thatsache der Auswechselung der Ratifikationen des Übereinkommens, auf welches es sich bezieht, als von den vertragschliefsenden Teilen gebilligt und bestätigt anzusehen ist, wurde in doppelter Ausfertigung am 30. Dezember Eintausend achthundertneunundneunzig zu Berlin unterzeichnet.

Bülow.
Szögyény.

Denkschrift.

Im Jahre 1891 brachten die Abgeordneten Freiherr von Stauffenberg und Siegle im Reichstag eine Interpellation ein, in welcher sie die Anfrage stellten, ob die Reichsregierung geneigt sei, mit Österreich-Ungarn ein Urheberrechtsübereinkommen abzuschliefsen. || Das Verhältnis Deutschlands zu Österreich-Ungarn auf dem Gebiete des Urheberrechts war damals Folgendes: || In Gemäfsheit der Bestimmungen des § 62 des Reichsgesetzes vom 11. Juni 1870, betreffend das Urheberrecht an Schriftwerken, Abbildungen, musikalischen Kompositionen und dramatischen Werken, und des § 21 des Reichsgesetzes vom 9. Januar 1876, betreffend das Urheberrecht an Werken der bildenden Künste, sowie des § 38 des Österreichischen Patents vom 19. Oktober 1846 genossen zwar die Werke des einen Staates im Gebiete des anderen Teiles den Schutz der einheimischen Gesetzgebung, weil jedoch das Schutzverhältnis

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sich nur auf diejenigen Landesteile erstreckte, welche ehemals zum Deutschen Bunde gehörten, so herrschte, da Österreich-Ungarn dem Berner internationalen Übereinkommen zum Schutze der Urheberrechte nicht beigetreten war, und das ungarische Urheberrechtsgesetz vom 26. April 1884 im § 79 Abs. 2 seine Anwendung auf ausländische Werke grundsätzlich ausschloſs, in den Beziehungen zwischen den nicht zum früheren Deutschen Bunde gehörigen Provinzen und Ländern ein vertragloser Zustand. || Wenngleich diese Gestaltung der Verhältnisse — von den Urheberrechtsbeziehungen zu Ungarn abgesehen — seitens der deutschen Interessenten wohl nicht allzuschwer empfunden worden sein dürfte, erschien es doch für uns wünschenswert, eine Klarstellung der Urheberrechte im Verhältnisse zu den im Österreichischen Reichsrate vertretenen Ländern und einen Schutz der Rechte der deutschen Urheber in Ungarn herbeizuführen. || Regierungsseitig wurde daher aus der erwähnten Interpellation gern Veranlassung genommen, bei der Österreichisch-Ungarischen Regierung anzufragen, ob sie zum Eintritt in Verhandlungen über den Abschluſs eines Urheberrechtsübereinkommens bereit sei. Von Österreich Ungarn wurde daraufhin eine zustimmende Antwort erteilt und zugleich als Grundlage für die einzuleitenden Verhandlungen die anliegende, unter dem 8. Juli 1890 von Österreich-Ungarn mit Italien geschlossene Urheberrechtskonvention bezeichnet, welche sich als bloſses Reciprocitätsabkommen darstellt. || Der Abschluſs eines solchen Reciprocitätsabkommens wäre an sich auch zu einer befriedigenden Regelung unseres Verhältnisses zu Ungarn ausreichend gewesen, allein den im Österreichischen Reichsrate vertretenen Königreichen und Ländern gegenüber lieſs es keinen genügenden Schutz der gegenseitigen Interessen erhoffen; denn damals galt in dieser Reichshälfte noch das oben erwähnte Allerhöchste Patent vom 19. Oktober 1846, welches vielfach den neueren Anschauungen auf dem Gebiete des Urheberrechts nicht mehr entsprach. Es ergab sich daher für uns die Notwendigkeit, beim Abschluſs eines Urheberrechtsübereinkommens mit Österreich-Ungarn über den Rahmen eines Reciprocitätsabkommens hinauszugehen und materielle Änderungen gegenüber den Bestimmungen des Österreichischen Patents vom Jahre 1846 anzustreben. || Mit Rücksicht darauf jedoch, daſs der inzwischen bekannt gewordene Entwurf eines neuen Urheberrechtsgesetzes für die im Österreichischen Reichsrate vertretenen Königreiche und Länder die Hauptmängel des Patents von 1846 zu beseitigen und sich den neueren Anschauungen anzupassen versprach, erschien es, nachdem ein Versuch, die Wirkungen des Übereinkommens einstweilen auf Ungarn zu beschränken, nicht zum Ziele geführt hatte, angezeigt, zunächst abzuwarten, ob und in welcher Gestalt dieser Entwurf zum Gesetz erhoben werden würde. || Wenn nun auch infolgedessen die Verhandlungen über das Urheberrechtsabkommen nicht weiter fortgesetzt wurden, so gab uns doch ein specieller Fall Veranlassung, noch vor der Abänderung der österreichischen Urheberrechtsgesetzgebung für eine Ausdehnung des bisherigen Schutzes in einer bestimmten Richtung einzutreten. || Nach § 22 des Österreichischen

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Patents stand nämlich das Recht zur Aufführung dramatischer und musikalischer Werke den Erben und Rechtsnachfolgern des Urhebers nur bis zum Ablauf einer zehnjährigen Frist nach dem Tode des Autors zu. Auf Grund dieser Bestimmung wäre daher die Wagnersche Oper „Parsifal", welche nach dem ausdrücklichen Willen Richard Wagners während der Dauer des ihr in Deutschland gewährten Schutzes nur in Bayreuth aufgeführt werden sollte, mit dem Beginne des Jahres 1894 für Cisleithanien zur Aufführung frei geworden. || Dem auf Ersuchen der Interessenten von uns hierwegen in Wien ausgesprochenen Wunsche um Verlängerung der Schutzfrist wurde in zuvorkommendster Weise dadurch entsprochen, daſs für Cisleithanien durch ein besonderes (Übergangs-)Gesetz vom 26. April 1893 diese Frist hinsichtlich der Aufführung damals noch nicht freigewordener Bühnenwerke um zwei Jahre verlängert worden ist. || Am 26. Dezember 1895 war der Entwurf des neuen Urheberrechtsgesetzes für die im Österreichischen Reichsrate vertretenen Königreiche und Länder im wesentlichen ohne Änderung zum Gesetze geworden und damit eine dem Stande der neueren Anschauungen entsprechende Unterlage für die Fortsetzung der Verhandlungen geschaffen. || Da es auſserdem als ausgeschlossen gelten muſste, daſs Österreich-Ungarn, welches auch die Beteiligung an der Pariser internationalen Urheberrechtskonferenz vom Frühjahr 1896 abgelehnt hatte, in absehbarer Zeit den Berner und Pariser internationalen Abmachungen beitreten werde, wurden im Jahre 1897 die Verhandlungen wegen Abschlusses eines Sonderabkommens wieder aufgenommen. || Als Grundlage dafür diente, nachdem nunmehr infolge der Neuregelung der cisleithanischen Urheberrechtsgesetzgebung die früher vorhanden gewesenen Bedenken hiergegen im wesentlichen behoben waren, das Schema des oben erwähnten österreichisch-ungarisch-italienischen Übereinkommens, das österreichisch-ungarischerseits erneut hierzu in Vorschlag gebracht worden war. || Das Ergebnis dieser Verhandlungen ist enthalten in dem Texte des vorliegenden Übereinkommens, welches mit Genehmigung der beiderseitigen Regierungen am 30. Dezember 1899 zu Berlin unterzeichnet worden ist.

Im allgemeinen ist dazu Folgendes zu bemerken: || Der Schwerpunkt des Übereinkommens, welches sich, wie sich aus Vorstehendem ergiebt, in der Hauptsache in der Form eines Reciprocitätsabkommens zu halten hatte, liegt in der Regelung unserer Urheberrechtsbeziehungen zu Ungarn; es wird durch dasselbe der bisherige schutzlose Zustand beseitigt und an seine Stelle für das ausländische Werk der volle Schutz gesetzt, welchen die beiderseitigen inneren Gesetzgebungen dem inländischen Werke gewähren. Aber auch für unser Urheberrechtsverhältnis zur anderen Reichshälfte der Habsburgischen Monarchie muſs das Übereinkommen als ein Fortschritt bezeichnet werden, insofern es die Zweifel und Mängel beseitigt, welche sich aus dem bisherigen Zustand ergeben haben, und indem es das geistige Eigentum auch in jenen Provinzen und Ländern schützt, welche nicht zum früheren Deutschen Bunde gehört haben. || Das neue Übereinkommen geht aber auch inhaltlich über die

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Grenzen hinaus, in welchen bisher Schutz gewährt wurde, indem es aufser den Werken der Literatur und Kunst noch die Werke der Photographie in den Kreis seiner Geltung einbezieht. || Eine principielle Einschränkung erfährt der Grundsatz der Gegenseitigkeit nur dadurch, dafs das Übereinkommen die Dauer des im fremden Lande gewährten Schutzes auf die Dauer des Schutzes im Ursprungslande beschränkt. Diese Ausnahme erklärt sich aus Gründen der Billigkeit; denn die Nichtaufnahme einer solchen Beschränkung hätte zur Folge, dafs der fremde Staat gezwungen wäre, in seinem Gebiet ein Werk zu schützen, welchem das Heimatland keinen Schutz mehr gewährt. Ein solcher Fall würde z. B. bei Werken der Photographie vorliegen, welche in Deutschland fünf Jahre, in Cisleithanien dagegen zehn Jahre geschützt werden. || Im einzelnen waren für die Fassung der Artikel und für die Abweichungen, welche das vorliegende Übereinkommen von dem von Österreich-Ungarn vorgeschlagenen Schema aufweist, die nachstehenden Gesichtspunkte mafsgebend:

Zu Artikel I und II sowie zum Schlufsprotokolle.

Nach Artikel I besteht die Voraussetzung des vertragsmäfsigen Schutzes in einem Lande darin, dafs das schutzsuchende Werk im anderen Lande „einheimisch“ ist. Die Verschiedenheit der geltenden Urheberrechtsgesetzgebung in Deutschland und den beiden Reichshälften Österreich-Ungarns machte es dabei erforderlich, den Begriff „einheimisch“ zu umgrenzen. Dies geschah zunächst im Artikel II des Übereinkommens. || Dabei ergab sich die fernere Notwendigkeit gegenüber der verschiedenen Terminologie der einzelnen Gesetzgebungen klarzustellen, was unter dem Begriff „Erscheinen“ zu verstehen sei, welcher eine der verschiedenen Voraussetzungen dafür bildet, dafs ein Werk als „einheimisch“ zu gelten hat. Während nämlich die ungarische Gesetzgebung hinsichtlich dieses Begriffs völlig mit der deutschen Gesetzgebung übereinstimmt und ein Werk nur dann als „erschienen“ betrachtet, wenn es verlagsmäfsig erschienen ist, gilt in den im Österreichischen Reichsrate vertretenen Königreichen und Ländern nicht nur das verlagsmäfsig erschienene, sondern auch das öffentlich aufgeführte musikalische oder Bühnenwerk, sowie das öffentlich ausgestellte Werk der bildenden Kunst und der Photographie als „erschienen“ und geniefst dort den Schutz des Gesetzes, der ihm nach der deutschen (wie auch nach der ungarischen) Gesetzgebung versagt ist. Für solche Werke, welche zwar in Cisleithanien als „erschienen“ gelten, nicht aber auch in Deutschland, mufs daher eine Ausnahmebestimmung getroffen werden, durch welche der Möglichkeit vorgebeugt werden soll, dafs z. B. die nicht verlagsmäfsig erschienene, aber auf einer österreichischen Bühne aufgeführte Oper eines Niederländers in Deutschland schutzberechtigt würde; diese Ausnahmebestimmung ist in Ziffer 2 des Schlufsprotokolls enthalten. || Auch der in Ziffer 1 des Schlufsprotokolls vorgesehene Fall betrifft nur unsere Urheberrechtsverhältnisse zu Cisleithanien. § 2 des für diese Reichshälfte erlassenen neuen Urheberrechtsgesetzes bestimmt nämlich, dafs dieses Gesetz im

vollen Umfang auf alle in Deutschland erschienenen Werke unter der Voraussetzung der Gegenseitigkeit Anwendung finde. Da infolgedessen die in Deutschland erschienenen Werke deutscher Urheber an sich in Cisleithanien als „einheimisch“ gelten, so würden dieselben nach Abs. 1 des Artikels I dieses Übereinkommens von dem vertragsmäfsigen Schutze ausgeschlossen sein und lediglich den Schutz der inneren Gesetzgebung geniefsen. Um solchen Werken den vertragsmäfsigen Schutz und nur den vertragsmäfsigen Schutz zu sichern, wurde die in Ziffer 1 des Schlufsprotokolls enthaltene Vereinbarung getroffen. Auf in Deutschland erschienene Werke ausländischer Urheber bezieht sich diese Vereinbarung nicht. Sind also solche Werke auch in Cisleithanien erschienen und deshalb dort ebenfalls einheimisch, so findet auf sie auch fernerhin das österreichische Gesetz und nicht das vorliegende Übereinkommen Anwendung. || Wie schon oben hervorgehoben worden ist, treffen die Gründe, welche zu den in das Schlufsprotokoll aufgenommenen Bestimmungen Veranlassung gegeben haben, im Verhältnisse zwischen uns und den Ländern der Ungarischen Krone nicht zu. Dagegen ist im Hinblick auf § 79b des ungarischen Urheberrechtsgesetzes von 1884 in Artikel II des vorliegenden Übereinkommens der Wohnsitz des Urhebers auch als eine der verschiedenen Voraussetzungen der Anwendung der inländischen Gesetzgebung aufgenommen worden. Unsere Weigerung, eine derartige Bestimmung in das Abkommen aufzunehmen, hätte für Ungarn einen Eingriff in seine innere Gesetzgebung erforderlich gemacht. Da nun einerseits nicht anzunehmen war, dafs Ungarn unter diesen Umständen einem Vertragsabschlusse geneigt sein würde, andererseits aber die aus der Aufnahme dieser Bestimmung für uns sich ergebenden Konsequenzen kaum allzu schwerwiegender Natur sein dürften, hat man unsererseits geglaubt, dem bezüglichen Wunsche Ungarns nicht entgegentreten zu sollen.

Zu Artikel III.

Die Verschiedenheit der Gesetzgebungen in den beiden Reichshälften Österreich-Ungarns hat zu der Notwendigkeit geführt, für die Erfüllung der Bedingungen und Förmlichkeiten, an welche die Gewährung des Schutzes gebunden sein soll, für Cis- und für Transleithanien besondere Bestimmungen zu treffen. || Während es hinsichtlich der im Österreichischen Reichsrate vertretenen Königreiche und Länder genügt, wenn für das zu schützende Werk die Bedingungen und Förmlichkeiten seines Ursprungslandes erfüllt sind, müssen im Verhältnisse zu Ungarn stets sowohl die Bedingungen und Förmlichkeiten des Ursprungslandes, wie die des schutzgewährenden Landes erfüllt werden, da Ungarn grundsätzlich nur den registrierten Werken Übersetzungsschutz gewährt. || Zugleich erschien es geboten, im Abs. 3 den Vorbehalt des Übersetzungsrechts sowie den Beginn der Übersetzung ausdrücklich als „Bedingung und Förmlichkeit“ zu erklären, um dadurch jeden Zweifel über die Auslegung auszuschliefsen.

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Zu Artikel IV.

Dieser Artikel ist dem österreichisch-ungarischerseits vorgelegten Vertragsentwurf erst im Laufe der Verhandlungen eingefügt worden. ‖ Sein Inhalt trifft materielle Bestimmungen, welche von dem sonst grundsätzlich festgehaltenen Principe der formellen Gegenseitigkeit abweichen. Diese Abweichung erschien gerade beim Übersetzungsschutz im Hinblick auf die Möglichkeit geboten, dafs die Gesetzgebung in einem der beiden kontrahierenden Staaten in diesem Punkte später einen weitergehenden Schutz als den zur Zeit bestehenden gewähren würde. Aber auch jetzt schon sind die Voraussetzungen für den Schutz gegen Übersetzung verschiedenartig geregelt. In Deutschland und Ungarn mufs die vorbehaltene Übersetzung ein Jahr nach Erscheinen des Originalwerkes begonnen und binnen drei Jahren vollendet sein, worauf das Werk weitere fünf Jahre gegen Übersetzung geschützt wird; nach der Gesetzgebung für die im Österreichischen Reichsrate vertretenen Königreiche und Länder, welche eine Frist für den Beginn der Übersetzung nicht kennt, mufs die vorbehaltene Übersetzung binnen drei Jahren vollendet sein, damit das Werk von diesem Zeitpunkt an einen weiteren fünfjährigen Schutz gegen Übersetzung geniefsen kann. Diese Verschiedenheit der inneren Gesetzgebung, welche noch eine weitere Ausdehnung erfahren kann, drängte zu einer materiellen Vereinbarung über den Übersetzungsschutz. ‖ Bei der Festsetzung der Schutzfristen war zu berücksichtigen, dafs eine längere Frist als drei Jahre für die Vollendung und eine längere Schutzfrist als fünf Jahre nach vollendeter Übersetzung dazu geführt hätte, dafs ein fremdes Werk auf Grund des Übereinkommens einen längeren Schutz geniefsen würde, als das einheimische Werk auf Grund der inneren Gesetzgebung, und dafs daher dieselbe Handlung gegen einen fremden Urheber begangen strafbar, gegen den inländischen Urheber begangen jedoch straflos wäre. ‖ Das unsererseits angestrebte Ziel, eine materielle Regelung des Übersetzungsschutzes, wie ihn die Berner Konvention und die Pariser Zusatzakte enthält, herbeizuführen, konnte nicht erreicht werden, da Österreich-Ungarn insbesondere Cisleithanien, mit Rücksicht auf seine vielsprachige Bevölkerung, ein überwiegendes Interesse daran hat, sich die Möglichkeit zu erhalten, gute Werke seinen verschiedenen Völkerschaften rasch und in guten billigen Übersetzungen zugänglich machen zu können. ‖ Aus diesen Erwägungen entstanden die beiden ersten Absätze des Artikels IV. ‖ Im dritten Absatz ist die Fristberechnung in Übereinstimmung mit der inneren Gesetzgebung geregelt worden.

Zu Artikel V bis IX.

Zu diesen Artikeln ist nichts Besonderes zu bemerken. Ihre Bestimmungen entsprechen den Abmachungen, welche in den betreffenden Punkten auch in anderen Litterarverträgen des Reichs getroffen worden sind. Nur zu Artikel VII wäre noch hervorzuheben, dafs sein Inhalt sich mit den in den Urheberrechtsübereinkommen des Reichs stets wiederkehrenden Bestimmungen

über den Schutz solcher Abdrucke und Nachbildungen decken, welche bei Beginn der Wirksamkeit des Übereinkommens erlaubterweise begonnen waren. Die Gewährung eines derartigen Schutzes erscheint erforderlich, um die Beteiligten vor unverschuldetem materiellen Schaden zu bewahren.

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Nr. 12252. ÖSTERREICH-UNGARN und ITALIEN. — Staatsvertrag vom 8. Juli 1890, betreffend den gegenseitigen Schutz der Urheber von Werken der Litteratur oder Kunst und der Rechtsnachfolger der Urheber.

(Urtext.)

Nr. 12252. Österreich-Ungarn und Italien. 8. Juli 1890.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême, etc. etc. et Roi Apostolique de Hongrie et Sa Majesté le Roi d'Italie, animés du désir de garantir, d'une manière efficace, dans Leurs Etats, les droits des auteurs sur leurs oeuvres littéraires ou artistiques, ainsi que ceux de leurs ayants-cause, ont résolu de conclure à cet effet une Convention, et ont nommé pour Leurs Plénipotentiaires, savoir: || Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie: || Le Sieur Gustave Comte Kálnoky de Körös-Patak, Son Ministre de la Maison Impériale et des affaires étrangères etc. etc. et || Sa Majesté le Roi d'Italie: || Le Sieur Constantin Comte Nigra, Son Ambassadeur extraordinaire et plénipotentiaire auprès de Sa Majesté Impériale et Royale Apostolique etc. etc. lesquels après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article Ier.

Les auteurs d'oeuvres littéraires ou artistiques et leurs ayants-cause, y compris les éditeurs, jouiront, dans les pays des Hautes Parties contractantes, réciproquement, des avantages que la loi y accorde ou accordera, pour la protection des ouvrages de littérature ou d'art. || En conséquence, les auteurs d'oeuvres littéraires ou artistiques dont les ouvrages ont paru dans le territoire de l'une des Hautes Parties contractantes, auront, ainsi que leurs ayants-cause, dans le territoire de l'autre Partie, la même protection et le même recours légal contre toute atteinte portée à leurs droits que si l'ouvrage avait été publié dans le pays où l'atteinte a été commise. De même, les auteurs d'oeuvres littéraires ou artistiques et leurs ayants-cause, sujets de l'une des Hautes Parties contractantes ou résidant sur son territoire, jouiront, dans le territoire de l'autre Partie, de la même protection et du même recours légal contre toute atteinte à leurs droits que s'ils étaient sujets ou habitants de l'Etat où ces droits auront été lésés. || Toutefois ces avantages ne seront assurés réciproquement aux auteurs et à leurs ayants-cause que dans le cas où l'ouvrage en question serait protégé par les lois du pays d'origine, et la durée de leur jouissance dans l'autre pays ne pourra excéder celle qui sera fixée par la loi du pays d'origine pour les auteurs et leurs ayants-cause. ||

Nr. 12252. Österreich-Ungarn und Italien. 8. Juli 1890.

Le droit de traduction faisant partie des droits d'auteur dont il est question en général dans cet article, la protection de ce droit est assurée en vertu et dans la mesure des dispositions de la présente convention.

Article II.

L'expression „oeuvres littéraires ou artistiques" comprend les livres, brochures ou autres écrits; les oeuvres dramatiques, les compositions musicales, les oeuvres dramatico-musicales; les oeuvres de dessin, de peinture, de sculpture, de gravure; les lithographies, les illustrations, les cartes géologiques et géographiques; les dessins, plans, croquis et oeuvres plastiques, relatifs à la géographie, à la topographie, aux sciences naturelles, à la géométrie, à l'architecture et aux sciences techniques; et en général toute production quelconque du domaine scientifique, littéraire ou artistique.

Article III.

Est considéré comme pays d'origine de l'oeuvre celui de la première publication, ou, si cette publication a eu lieu simultanément dans deux ou plusieurs lieux, situés dans les territoires des Hautes Parties contractantes, celui d'entre eux dont la législation accorde la durée de protection la plus courte. || Pour les oeuvres non publiées, le pays auquel appartient l'auteur est considéré comme pays d'origine de l'oeuvre.

Article IV.

Dans les relations entre les Royaumes et Pays représentés au Reichsrath autrichien et le Royaume d'Italie, la jouissance des droits garantis par la présente Convention est subordonnée à l'accomplissement des conditions et formalités prescrites par la législation du pays d'origine de l'oeuvre. || Dans les relations entre les pays de la Couronne hongroise et le Royaume d'Italie, la jouissance de ces droits est subordonnée à l'accomplissement des conditions et formalités prescrites par les lois et réglements, tant du pays d'origine, que du pays où la protection doit être accordée.

Article V.

Pour que les auteurs des ouvrages protégés par la présente Convention soient, jusqu'à preuve contraire, considérés comme tels et admis, en conséquence, devant les tribunaux des Hautes Parties contractantes à exercer des poursuites contre les contrefaçons, il suffit que leur nom soit indiqué sur l'ouvrage en la manière usitée. || Pour les oeuvres anonymes ou pseudonymes, l'éditeur dont le nom est indiqué sur l'ouvrage est fondé à sauvegarder les droits appartenant à l'auteur. Il est, sans autres preuves, réputé ayant-cause de l'auteur anonyme ou pseudonyme jusqu'à ce que ce dernier ou son ayant-droit n'aient déclaré et prouvé leurs droits.

Article VI.

Les dispositions de la présente Convention ne porteront préjudice, en quoi que ce soit, au droit de chacune des Hautes Parties contractantes de surveiller ou d'interdire, par des mesures de législation ou de police intérieure, la circulation, la représentation, l'exposition ou la vente de tout ouvrage ou production. || Est réservé également à chacune des Hautes Parties contractantes le droit de prohiber l'importation sur son propre territoire des ouvrages qui, d'après ses lois intérieures ou des stipulations passées avec d'autres Puissances, sont ou seraient déclarés être de reproductions illicites.

Article VII.

Les dispositions de la présente Convention seront applicables aux oeuvres littéraires ou artistiques antérieures à sa mise en vigueur. || Cependant, les exemplaires achevés avant la mise en vigueur de la présente Convention, et dont la production n'était pas interdite jusqu'alors, pourront être mis en circulation. || De même, les appareils destinés à la multiplication des ouvrages, tels que clichés, bois et planches gravées de toute sorte, ainsi que les pierres lithographiques, pourvu que leur production n'ait été défendue, pourront être utilisés pendant un délai de quatre ans à partir de la mise en vigueur de la présente Convention. || La mise en circulation de tels exemplaires, ainsi que l'utilisation des dits appareils ne seront pourtant admis que dans le cas où, à la demande faite par la partie intéressée dans les trois mois à partir de la mise en vigueur de la présente Convention, le Gouvernement respectif aurait fait dresser l'inventaire des dits exemplaires et appareils et leur aurait fait apposer un timbre spécial. || Les oeuvres dramatiques ou dramatico-musicales et les compositions musicales dont la représentation était autorisée avant la mise en vigueur de la présente Convention pourront également être représentées à l'avenir.

Article VIII.

La présente Convention demeurera en vigueur pendant dix années à partir du jour où elle aura été mise à exécution. || A l'expiration de ce terme, chacune des Hautes Parties contractantes aura le droit de dénoncer la Convention. Dans ce cas, elle restera encore en vigueur pendant une année à partir du jour où elle aura été dénoncée.

Article IX.

La présente Convention sera ratifiée et les ratifications en seront échangées à Vienne le plus tôt possible. Elle entrera en vigueur quinze jours après l'échange des ratifications. || En foi de quoi les Plénipotentiaires respectifs ont signé la présente Convention et l'ont revêtue du cachet de leurs armes.

Fait en double expédition à Vienne le 8 Juillet de l'an de grâce mil huit cent quatre-vingt-dix.

Kálnoky m. p. (L. S.)
Nigra m. p. (L. S.)

Nr. 12253. **PREUSSEN** und **ÖSTERREICH-UNGARN.** — Vertrag zur Vermeidung von Doppelbesteuerungen, welche sich aus der Anwendung der für die im Reichsrate vertretenen Königreiche und Länder, beziehungsweise für das Königreich Preufsen geltenden Steuergesetze ergeben könnten.

Berlin, 21. Juni 1899.

Nr. 12253. Preufsen u. Österreich-Ungarn. 21. Juni 1899.

Seine Majestät der Kaiser von Österreich, König von Böhmen etc. und Apostolischer König von Ungarn || und || Seine Majestät der Deutsche Kaiser, König von Preufsen, || geleitet von dem Wunsche, Doppelbesteuerungen zu beseitigen, welche sich aus der Anwendung der für die im Reichsrate vertretenen Königreiche und Länder, beziehungsweise für das Königreich Preufsen geltenden Steuergesetze ergeben könnten, haben beschlossen, zu diesem Behufe eine Konvention zu schliefsen und zu Ihren Bevollmächtigten ernannt: || Seine Majestät der Kaiser von Österreich, König von Böhmen etc. und Apostolischer König von Ungarn: || Den Herrn Ladislaus Szögyény-Marich v. Magyar-Szögyén und Szolgaegyháza, Allerhöchst Ihren Kämmerer und wirklichen Geheimen Rat etc. etc., aufserordentlichen und bevollmächtigten Botschafter bei Seiner Majestät dem Deutschen Kaiser, König von Preufsen, || Seine Majestät der Deutsche Kaiser, König von Preufsen: || Den Dr. Freiherrn von Richthofen, Allerhöchst Ihren wirklichen Geheimen Legationsrat und Unterstaatssekretär des auswärtigen Amtes, || welche, nachdem sie ihre in guter und gehöriger Form gefundenen Vollmachten sich mitgeteilt, über Folgendes übereingekommen sind:

Artikel 1.

Österreichische, beziehungsweise preufsische Staatsangehörige sollen vorbehaltlich der Bestimmungen in den Artikeln 2 bis 4 zu den direkten Staatssteuern nur in dem Staate herangezogen werden, in welchem sie ihren Wohnsitz haben, in Ermanglung eines solchen nur in dem Staate, in welchem sie sich aufhalten. || Österreichische, beziehungsweise preufsische Staatsangehörige, welche in beiden Staaten einen Wohnsitz haben, sollen nur in ihrem Heimatsstaate zu den direkten Staatssteuern herangezogen werden. || Ein Wohnsitz im Sinne dieser Vereinbarung ist an dem Orte anzunehmen, an welchem Jemand eine Wohnung unter Umständen innehat, welche auf die Absicht der dauernden Beibehaltung einer solchen schliefsen lassen.

Artikel 2.

Der Grund- und Gebäudebesitz und der Betrieb eines stehenden Gewerbes, sowie das aus diesen Quellen herrührende Einkommen sollen nur in demjenigen Staate zu den direkten Staatssteuern herangezogen werden, in welchem der Grund- oder Gebäudebesitz liegt, oder eine Betriebsstätte zur Ausübung des Gewerbes unterhalten wird. Als Betriebsstätten gelten Zweigniederlassungen, Fabrikationsstätten, Niederlagen, Komptoire, Ein- oder Verkaufs-

stellen und sonstige Geschäftseinrichtungen zur Ausübung des stehenden Gewerbes durch den Unternehmer selbst, Geschäftsteilhaber, Prokuristen oder andere ständige Vertreter. || Befinden sich Betriebsstätten desselben gewerblichen Unternehmens in beiden Gebieten, so soll die Heranziehung zu den direkten Staatssteuern in jedem Gebiete nur nach Mafsgabe des von den inländischen Betriebsstätten aus stattfindenden Betriebes erfolgen. || Hinsichtlich der steuerlichen Behandlung von Hypothekarforderungen und des Einkommens aus solchen, bleibt es bei der uneingeschränkten Anwendung der in Österreich, beziehungsweise in Preufsen bestehenden gesetzlichen Bestimmungen.

Artikel 3.

Soferne im Sinne des österreichischen Gesetzes vom 25. Oktober 1896, R. G. Bl. Nr. 220, die Besteuerung von Zinsen und Rentenbezügen im Abzugswege zu erfolgen hat, wird dieselbe uneingeschränkt zur Ausübung kommen.|| Hierdurch soll jedoch das der preufsischen Finanzverwaltung nach den preufsischen Gesetzen zustehende Besteuerungsrecht in keiner Weise berührt werden.

Artikel 4.

Aus einer Staatskasse (Kronkasse, Hofkasse) zahlbare Besoldungen, Pensionen, Wartegelder, sollen nur in dem Staate, der die Zahlung zu leisten hat, zu den direkten Staatssteuern herangezogen werden.

Artikel 5.

Zwischen den vertragschliefsenden Teilen besteht Einverständnis darüber, dafs die auf Grund des preufsischen Gesetzes vom 14. Juli 1893 zu entrichtende Ergänzungssteuer im Sinne des § 9, Absatz 2, und des § 127, Absatz 1, des österreichischen Gesetzes, betreffend die direkten Personalsteuern vom 25. Oktober 1896 als eine der allgemeinen Erwerbssteuer gleichartige, beziehungsweise als eine specielle direkte Besteuerung anzusehen ist.

Artikel 6.

Die Bestimmungen im Artikel 19 des Handels- und Zollvertrages vom 6. Dezember 1891 bleiben unberührt.

Artikel 7.

Über die zur thunlichsten Beseitigung der Doppelbesteuerung solcher Personen, welche sowohl österreichische als preufsische Staatsangehörige sind und zugleich in beiden Gebieten ihren Wohnsitz haben, etwa noch erforderlichen besonderen Bestimmungen werden die vertragschliefsenden Teile sich vorkommenden Falls ins Einvernehmen setzen und der Vereinbarung entsprechende Anordnungen treffen.

Artikel 8.

Falls die Kündigung dieses Vertrages, zu welcher jeder der beiden vertragschliefsenden Teile berechtigt ist, vor dem 1. Oktober eines Jahres erfolgt,

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verliert derselbe bereits für das dem Kalenderjahre der Kündigung nächstfolgende Steuerjahr seine bindende Kraft. || Findet die Kündigung nach dem genannten Zeitpunkte statt, so soll der Vertrag erst vom zweitfolgenden Steuerjahre angefangen als aufgelöst gelten.

Artikel 9.

Gegenwärtiger Vertrag soll beiderseits zur Allerhöchsten Genehmigung vorgelegt und die Auswechslung der darüber auszufertigenden Ratifikationsurkunden sobald als möglich in Berlin bewirkt werden. || Zur Beglaubigung dessen haben die beiderseitigen Bevollmächtigten die gegenwärtige Übereinkunft in zwei Ausfertigungen unter Beifügung ihrer Siegel eigenhändig unterzeichnet.

Berlin, am 21. Juni 1899.

(L. S.) Szögyény m. p. (L. S.) Richthofen m. p.

Schlufsprotokoll.

Bei der Unterzeichnung des am heutigen Tage zwischen Österreich-Ungarn und Preufsen abgeschlossenen Staatsvertrages zur Vermeidung von Doppelbesteuerungen, welche sich aus der Anwendung der für die im Reichsrate vertretenen Königreiche und Länder, beziehungsweise für das Königreich Preufsen geltenden Steuergesetze ergeben könnten, haben die unterzeichneten Bevollmächtigten folgende Erklärung abgegeben, welche einen integrierenden Teil des Vertrages selbst bilden sollen: || I. Die vertragschliefsenden Teile sind darüber einverstanden, dafs die im ersten Satze des Artikels 1 des Vertrages enthaltenen Worte „vorbehaltlich der Bestimmungen in den Artikeln 2—4" auch auf die im zweiten Satze dieses Artikels besprochenen Fälle Anwendung zu finden haben. || II. Es wird der übereinstimmenden Anschauung der beiden vertragschliefsenden Teile Ausdruck gegegeben, dafs die Bestimmungen des Artikels 2 des gegenwärtigen Staatsvertrages bezwecken, einem jeden der vertragschliefsenden Teile die Besteuerung des in dem eigenen Staatsgebiete belegenen Grund- und Gebäudebesitzes, sowie des inländischen Gewerbebetriebes ohne Rücksicht auf die Staatsangehörigkeit oder den Wohnsitz der betreffenden Steuerpflichtigen ausschliefslich vorzubehalten. || III. Ferner sind die vertragschliefsenden Teile darüber einverstanden, dafs die Bestimmungen dieses Übereinkommens für Österreich vom 1. Januar 1898, für Preufsen vom 1. April 1898 ab in Wirksamkeit gesetzt werden sollen. || IV. Es besteht Einverständnis darüber, dafs unbeschadet des Vorbehalts im Artikel 6 mit dem Inkrafttreten des gegenwärtigen Staatsvertrages die früheren Vereinbarungen über die steuerliche Behandlung von beiderseitigen Beamten aufser Geltung treten. || Das gegenwärtige Protokoll, welches durch den Austausch der Ratifikationen des Vertrages, auf welchen es sich bezieht, als von den vertragschliefsenden Teilen gebilligt und genehmigt anzusehen ist, wurde in doppelter Ausfertigung zu Berlin am 21. Juni 1899 vollzogen.

(L. S.) Szögyény m. p. (L. S.) Richthofen m. p.

Nr. 12254. ÖSTERREICH-UNGARN und SPANIEN. — Übereinkommen zum gegenseitigen Schutze von Erfindungen, Marken und Mustern.

Madrid, 21. Januar 1897.

Pour assurer aux ressortissants autrichiens ou hongrois en Espagne et, reciproquement, aux ressortissants espagnols dans la Monarchie austro-hongroise la protection de leur inventions, marques de fabrique et de commerce et modèles, les soussignés, dûment autorisés à cet effet, ont arrêté les dispositions suivantes:

Nr. 12254. Österreich-Ungarn und Spanien. 21. Jan. 1897.

Article I.

Les ressortissants autrichiens ou hongrois en Espagne, y compris ses possessions d'outremer et, reciproquement, les ressortissants espagnols dans la Monarchie austro-hongroise jouiront, des mêmes droits que les nationaux pour tout ce qui concerne la protection des inventions, dessins et modèles, des marques de fabrique ou de commerce, ainsi que des raisons sociales et des noms et des autres désignations de marchandises.

Article II.

Sont assimilés sous ce rapport aux ressortissants les autres personnes qui sont domiciliées ou ont leur établissement industriel principal sur les territoires de l'une des Parties contractantes.

Article III.

Les ressortissants des Etats de l'une des Parties contractantes qui auront déposé la demande d'un brevet d'invention dans les territoires de cette Partie, auront, pour effectuer le dépôt dans les territoires de l'autre Partie, un droit de priorité pendant 90 jours à compter de la date du premier dépôt, et le dépôt postérieur aura, sous tous les rapports, le même effet, comme s'il avait été fait au moment du premier dépôt. || Il en sera de même pour les marques de commerce ou de fabrique, les dessins et les modèles, pourvu que 90 jours au plus tard, après la date de la demande d'enregistrement dans les territoires de l'une des Parties contractantes, l'enregistrement de ces marques, dessins et modèles ait été demandé dans les territoires de l'autre Partie contractante. || Seront assimilés aux inventions les modèles d'utilité qui jouissent de la protection légale dans les territoires des Parties contractantes. || Le délai de 90 jours accordé dans les paragraphes qui précèdent sera porté à 120 jours pour le dépôt ou l'enregistrement des demandes provenant des provinces et possessions espagnoles d'outremer.

Article IV.

La protection d'une marque de commerce ou de fabrique, d'une désignation de marchandises d'un dessin ou d'un modèle, enregistrés en conformité

du paragraphe III dans les territoires de l'autre Partie contractante ne peut avoir dans ces territoires une durée plus longue que celle, qu'elle a dans les territoires du pays d'origine. || D'ailleurs le droit exclusif pour les ressortissants des Etats de l'une des Parties contractantes d'exploiter une marque ou une désignation de marchandises dans les territoires de l'autre ne peut être acquis que par ceux qui l'ont déjà légitimement acquis dans leur propre pays.

Article V.

L'importation d'une marchandise fabriquée dans les territoires de l'une des Parties contractantes sur les territoires de l'autre n'entraînera pas dans ces derniers territoires des conséquences préjudiciables au droit de protection accordé en vertu d'une invention, d'un dessin, ou d'un modèle. || Toutefois, l'ayant-droit restera soumis à l'obligation d'exploiter son invention, dessin ou modèle conformément aux lois du pays où il introduit les objets protégés.

Article VI.

L'enregistrement d'une marque enregistrée pour le propriétaire dans le pays d'origine, ou d'une désignation de marchandises dont il est constaté qu'elle jouit dans le pays d'origine d'une protection égale à celle acquise aux marques, ne peut être refusé par l'autorité compétente, à moins que cette marque ou cette désignation || a) ne porte illicitement le portrait du souverain ou des membres de la famille régnante ou les armes de l'Etat ou d'autres armes publiques, ou || b) qu'elle ne soit généralement usitée dans le commerce, pour désigner certaines catégories de marchandises, ou || c) qu'elle ne soit contraire à la morale ou à l'ordre public, ou enfin d) qu'elle ne soit en opposition par sa teneur avec les conditions effectives, de manière à induire le public en erreur. || Les Parties contractantes se réservent le droit de refuser l'enregistrement de marques du pays d'origine, si celles-ci sont reconnues égales ou ressemblantes au point à donner lieu à des erreurs aux marques déjà enregistrés; de même pourront-elles rayer les marques susmentionnées sur la demande des personnes préjudiciées par l'enregistrement.

Article VII.

Chacune des Parties contractantes prendra des mesures nécessaires, si elles n'avaient pas été déjà prises antérieurement contre la vente et la mise en vente de marchandises qui, dans une intention frauduleuse, au préjudice du commerce légitime, sont revêtues d'armoiries d'Etat de l'autre Partie contractante ou portent, comme indication de provenance, le nom ou les armes de localités ou de districts, situés dans les territoires de l'autre Partie contractante.

Article VIII.

Les ressortissants des Etats de l'une des Parties contractantes qui veulent s'assurer la propriété d'une invention, d'une marque, d'un dessin ou d'un

modèle dans les territoires de l'autre Partie contractante, auront à remplir les formalités prescrites par la législation de cette dernière. || Ils devront en particulier faire déposer les descriptions de leurs inventions, ainsi que leurs marques, dessins et modèles conformément aux prescriptions en vigueur, en Espagne: au Conservatoire pour l'art et les métiers à Madrid, dans la Monarchie austro-hongroise, pour l'Autriche: les descriptions d'inventions: à l'autorité administrative d'une province; les marques, dessins et modèles, à la chambre de commerce et d'industrie à Vienne et pour la Hongrie: les descriptions d'inventions au bureau royal hongrois de brevets à Budapest; les marques, dessins et modèles: à la chambre de commerce et d'industrie à Budapest.

Article IX.

Le présent arrangement entrera en vigueur quinze jours après l'échange des ratifications et demeurera obligatoire juqu'à l'expiration des 6 mois à partir du jour où l'une ou l'autre des Parties contractantes l'aura dénoncé.

Article X.

L'arrangement sera ratifié et les ratifications en seront échangées à Madrid le plus tôt possible. || En foi de quoi les Soussignés l'ont signé et l'ont revêtu du cachet de leurs armes.

Fait à Madrid, en double expédition, le vingt et un Janvier mil huit cent quatre-vingt-dix-sept.

L. S. V. Dubsky m. p. L. S. El Duque de Tetuan m. p.

Nos visis et perpensis conventionis huius stipulationibus, illas ratas gratasque habere profitemur, Verbo Nostro Caesareo et Regio spondentes, Nos ea omnia, quae in illis continentur fideliter executioni mandaturos esse.

In quorum fidem majusque robur praesentes ratihabitionis Nostrae tabulas manu Nostra signavimus sigilloque Nostro Caesareo et Regio appresso muniri jussimus.

Dabantur Viennae die vigesimo mensis aprilis anno Domini millesimo nongentesimo, Regnorum Nostrorum quinquagesimo secundo.

(L. S.) Franciscus Josephus m. p.

Agenor Comes Gołuchowski m. p.

Ad mandatum Sacrae Caesareae et Regiae Apostolicae Majestatis proprium:

Alexander Eques a Suzzara m. p.,
caput sectionis.

Das vorstehende Übereinkommen zwischen Österreich-Ungarn und Spanien zum gegenseitigen Schutze von Erfindungen, Marken und Mustern wird nach erfolgter Zustimmung der beiden Häuser des Reichsrathes hiemit kundgemacht.

Wien, am 14. Juli 1900.

Koerber m. p. Call m. p.

Nr. 12255. ÖSTERREICH-UNGARN und ITALIEN. — Staatsvertrag, betreffend den Eisenbahnanschlufs Cervignano — S. Giorgio di Nogaro.

Rom, 24. Januar 1900.

Nr. 12255. Österreich-Ungarn und Italien. 24. Jan. 1900.

Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie || et || Sa Majesté le Roi d'Italie, || animés du désir de compléter par un nouveau raccordement les voies ferrées reliant les réseaux de leurs Etats, ont résolu de conclure, à cet effet, une convention et ont nommé pour leurs plénipotentiaires, savoir || Sa Majesté l'Empereur d'Autriche, Roi de Bohême etc. et Roi Apostolique de Hongrie: || Son Excellence M. le baron Pasetti de Friedenburg, Son Ambassadeur près Sa Majesté le Roi d'Italie, et || Sa Majesté le Roi d'Italie: || Son Excellence M. le Marquis Visconti Venosta, Son Ministre des affaires étrangères, || lesquels, après avoir échangé leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article I.

Le Gouvernement impérial royal d'Autriche ayant autorisé la Compagnie des chemins de fer locaux du Frioul à prolonger la ligne existante de Monfalcone à Cervignano, exploitée par l'Etat autrichien, jusqu'à la frontière austro-italienne, et le Gouvernement royal d'Italie ayant fait construire par la Société Vénitienne d'entreprises et de travaux publics un embranchement, partant de S. Giorgio de Nogaro et se dirigeant à la frontière, la jonction de ces deux lignes vient d'être achevée et le raccordement livré à l'exploitation. || Les deux Gouvernements sont tombés d'accord d'admettre la libre circulation du trafic international aux termes de la présente convention moyennant la susdite ligne de jonction et de lui accorder tous les avantages et toutes les facilités compatibles avec les lois et règlements en vigueur dans les territoires respectifs.

Article II.

Sur la ligne de jonction Cervignano—S. Giorgio de Nogaro seront deux gares frontières distinctes, l'une à Cervignano sur le territoire autrichien, l'autre à S. Giorgio de Nogaro sur le territoire italien. || Le service d'exploitation entre ces deux gares sera réglé de sorte que l'entretien et la surveillance des deux tronçons aboutissant à la frontière incomberont dans les territoires respectifs aux administrations des chemins de fer nationales, et que le service de traction entre les deux gares frontières sera confié à l'administration italienne. || Les conditions auxquelles le service ci-dessus mentionné sera effectué et les dédommagements qui en résultent seront réglés par une convention spéciale à conclure entre les administrations des deux lignes ferrées qui devra être soumise à l'approbation des Gouvernements respectifs. || Ceux-ci auront également à régler d'un commun accord les points sur lesquels une entente entre les deux administrations n'aurait pas pu se faire.

Article III.

L'administration du chemin de fer autrichien sera tenue, aux termes du cahier de charge respectif et des arrangements prévus à l'article II, à fournir dans la gare frontière de Cervignano les locaux nécessaires pour le séjour transitoire du personnel italien attaché au service des trains et de la poste, provenant de S. Giorgio de Nogaro ou y étant destinés.

Article IV.

La ligne de jonction visée aux articles I—III de la présente convention a été construite d'une simple voie, tout en réservant, en cas de besoin, l'établissement d'une voie double. || Il est entendu, que cette voie aura la largeur normale de 1,435 mètres et qu'elle sera entretenue d'après des principes uniformes de manière que le matériel roulant puisse passer sans obstacles d'un chemin de fer à l'autre. || Le matériel roulant qui a été soumis à un examen par l'une des Hautes Parties contractantes sera admis, sans nouvel examen, sur le territoire de l'autre selon les conditions de la convention spéciale dont il est question au troisième alinéa de l'article II de la présente convention. Il est entendu que ce passage s'effectuera conformément aux dispositions en vigueur pour le transit des wagons destinés à la circulation internationale.

Article V.

L'endroit où le chemin de fer cité à l'article Ier devra passer la frontière ayant été fixé par les commissaires techniques délégués ad hoc sur la base des projets élaborés par les deux administrations des chemins de fer intéressées les Gouvernements des deux Hautes Parties contractantes approuvent l'accord établi sur ce sujet.

Article VI.

Conformément aux dispositions contenues dans l'article II seront admis sur le tronçon entre la frontière et la station de Cervignano les règlements des signaux et du service du pays voisin. || Dans la dite station le personnel italien sera tenu de respecter les règlements des signaux et du service, en vigueur sur le territoire autrichien.

Article VII.

La pleine souveraineté y compris le droit de justice et de police dans les deux gares frontières ainsi que sur les tronçons de la ligne situés entre ces gares et la frontière restera exclusivement réservée à celle des Hautes Parties contractantes sur le territoire de laquelle se trouvent la gare et le tronçon de ligne respectif.

Article VIII.

Il est expressement réservé au Gouvernement impérial royal d'Autriche le droit de souveraineté et de surveillance en ce qui concerne le tronçon situé sur le territoire autrichien et son exploitation sans préjudice toutefois du

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droit des Hautes Parties contractantes de surveiller les administrations des chemins de fer respectives.

Article IX.

La police du chemin de fer sera en première ligne exercée par les employés de l'administration chargée le l'exploitation ou de l'entretien du tronçon respectif. Ce service s'exercera sous la surveillance des autorités compétentes et conformément aux règlements et principes en vigueur dans chacun des deux pays. || Le Gouvernement impérial royal d'Autriche prendra cependant les dispositions nécessaires afin que les employés de l'administration italienne trouvent l'assistance nécessaire dans l'exercice de leurs fonctions relatives à la sûreté de l'exploitation de la ligne de jonction.

Article X.

Le personnel chargé de l'entretien et de la surveillance du tronçon situé entre la station frontière de Cervignano et la frontière sera nommé par l'administration autrichienne. || Par contre le choix du personnel attaché au service des trains circulant entre les deux stations frontières sera reservé à l'administration italienne. || Les individus donnant par leur conduite lieu à des plaintes seront rappelés sur la demande des autorités compétentes du territoire.

Article XI.

Chacune de deux Hautes Parties contractantes s'oblige à empêcher, sur la demande de l'autre Partie, qu'il ne soit admis comme employés pour le service à faire sur le territoire de l'autre Partie, des personnes qui auraient déjà été condamnées, soit pour crime ou délit contre le Gouvernement sur le territoire duquel se trouve la ligne, soit pour contrebande ou transgressions graves aux lois de finance.

Article XII.

Les administrations fixeront d'un commun accord les itinéraires pour la circulation des trains de correspondance de manière que ni voyageurs, ni marchandises ne souffrent de retards autres que ceux nécessités par le service du chemin de fer, de la douane et de la police des passe-ports. || L'approbation de ces itinéraires est réservée à chaque Gouvernement pour la ligne située sur son territoire. || Les deux Hautes Parties contractantes s'engagent à s'entremettre auprès des administrations des chemins de fer pour assurer autant que possible une coïncidence de trains du même genre, savoir trains de grande vitesse avec trains de grande vitesse, trains de voyageurs avec trains de voyageurs et trains mixtes avec trains mixtes. || Les deux Hautes Parties contractantes s'engagent en outre d'intervenir auprès des administrations des chemins de fer interessées afin qu'il soit établi des itinéraires facilitant autant que possible la communication entre Trieste et Venise au moyen des trains directs et de grande vitesse.

Article XIII.

Nr. 12259. Österreich-Ungarn und Italien. 24. Jan. 1900.

En ce qui concerne le service de douane et de police frontière les deux Hautes Parties contractantes sont tombées d'accord d'appliquer à la ligne de jonction de Cervignano à S. Giorgio de Nogaro les dispositions contenues aux articles XIII, XIV, XIX—XXII, XXIV et XXVII de la convention signée le 2 octobre 1879 concernant les jonctions de Cormons, Ala et Pontafel. || Il est entendu, que les dispositions jointes à la convention signée le 23 avril 1867 concernant le traité de commerce et de navigation entre l'Autriche et l'Italie et qui de même que cette convention ont été selon la déclaration du 27 décembre 1878 maintenues provisoirement par rapport aux opérations douanières, sur les chemins de fer reliant l'Autriche-Hongrie et l'Italie cités à l'article XXVII de la convention signée le 2 octobre 1879 seront substitués par les dispositions respectives du traité de commerce et de navigation conclu le 6 décembre 1891 ou s'il y a lieu par les arrangements ultérieures qui lui seront substitués.

Article XIV.

En ce qui concerne la correspondance télégraphique privée ou officielle les deux Gouvernements sont convenus d'admettre à la présente jonction les dispositions contenues aux articles XV et XVI de la convention signée le 2 octobre 1879.

Article XV.

Les dispositions en vigueur ou à concerter à l'égard de la police des passe-ports et des étrangers voyageant sur les lignes respectives des deux Etats devront également être appliquées à la jonction qui forme l'objet de la présente convention.

Article XVI.

La présente convention sera ratifiée et les ratifications en seront échangées à Rome, le plus tôt possible, dans le terme de quatre mois.

En foi de quoi les plénipotentiaires respectifs l'ont signé et y ont apposé leurs cachets.

Fait à Rome, en double exemplaire ce 24 janvier 1900.

(L. S.) M. Pasetti. (L. S.) Visconti Venosta.

Nr. 12256. ITALIEN und EGYPTEN. — Abgrenzungsvertrag über den Norden von Erythrea.

Asmara, 7. Dezember 1898.

Nr. 12256. Italien und Egypten. 7. Dez. 1898.

Dans le désir de déterminer les confins égyptien et italien du Ras Casar au Barca et de sanctionner ainsi la convention Kitchener-Beratieri, du 7 juillet 1895: || Entre les soussignés, || Colonel Pearsons pacha, gouverneur de Soukim et commandant la place de Kassala, représentant de S.A. le Khédive d'Egypte; || Et le commandeur Ferdinand Martini, commissaire civil extraordinaire de la colonie de l'Erythrée, représentant de S. M. le roi d'Italie; || Il a été convenu ce qui suit:

Nr. 12256. Italien und Epypten. 7. Dez. 1898.

Art. 1. — Depuis la pointe de Ras Casar, les limites entre les territoires égyptien et italien, au Nord de la colonie de l'Erythrée, sont déterminées par une ligne qui, suivant les hauteurs du Halibaï et du Gabeï Helli, rejoint le lit du fleuve Carora, et le remonte jusqu'à la hauteur de Teflanaït d'où, par les monts Abbeinedu, elle arrive au ravin, entre les vallées du Carora-Tabeh, au Sud, et celles du Aïtera-ArerIb, au Nord, et court dans la direction Ouest longeant le dit ravin jusqu'au col de Sciancolet et, par le contrefort de Sigat Tellim, rejoint un peu au Nord des monts Raribet, le haut plan du Hagar Nusch; de là la ligne de démarcation suit l'ourlet septentrional jusqu'au sommet du Hamoet; par le torrent Afts, elle va aux puits du même nom et de là aux monts Haar par la région ondulée qui constitue un ravin entre le cours moyen de l'Ambacta, et le torrent Loi, et de ce nœud montagneux se dirige au Barca et précisément au confluent de l'Ambacta, suivant les contreforts qui limitent au nord la partie inférieure de cette dernière vallée.

Art. 2. — Deux commissaires délégués, l'un du gouverneur italien, l'autre du gouverneur égyptien procéderont, par des signes matériels dans un délai de six mois, à la fixation des limites.

Fait à l'Asmara, en double original, dans les deux langues italienne et arabe, le 7 décembre 1898.

(Signé) Martini.
(Signé) Charles Pearsons Pacha.

Nr. 12257. VEREINIGTE STAATEN von AMERIKA und VEREIN. STAATEN von MEXIKO. — Verlängerung des Grenzvertrags vom 24. Dezember 1889.

Washington, 2. Dezember 1898.

Nr. 12257. Vereinigte Staaten von Amerika u. Vereinigte Staaten von Mexiko. 2. Dez. 1898.

Whereas the United States of America and the United States of Mexico desire to give full effect to the provisions of the Convention concluded and signed in Washington March 1, 1889, to facilitate the execution of the provisions contained in the Treaty signed by the two High Contracting Parties on the 12th of November, 1884, and to avoid the difficulties arising from the changes which are taking place in the beds of the Bravo del Norte and Colorado Rivers in those parts which serve as a boundary between the two Republics; || And whereas the period fixed by Article IX of the Convention of March 1, 1889, extended by the Conventions of October 1, 1895, and November 6, 1896, and October 29, 1897, expires on the 24th of December, 1898; || And whereas the two High Contracting Parties deem it expedient to extend the period fixed by Article IX of the Convention of March 1, 1889, and by the sole Article of the Convention of October 1, 1895, that of November 6, 1896 and that of October 29, 1897, in order that the International Boundary Commission may be able to conclude the examination and decision of the cases which have been submitted to it, they have, for that purpose,

appointed their respective Plenipotentiaries, to wit: || The President of the United States of America, John Hay, Secretary of State of the United States of America; and || The President of the United States of Mexico, José F. Godoy, chargé d'affaires ad interim of the United States of Mexico at Washington; || Who, after having communicated to each other their respectivefull powers, found in good and due form, have agreed upon and concluded the following Article:

Nr. 12257. Vereinigte Staaten von Amerika u. Vereinigte Staaten von Mexiko. 2. Dez. 1898.

Article.

The duration of the Convention of March 1, 1889, signed by the United States of America and the United States of Mexico, which according to the provisions of Article IX thereof, was to remain in force for five years, counting from the date of the exchange of its ratifications, which period was extended by the Convention of October 1, 1895, to December 24, 1896, by the Convention of November 6, 1896, to December 24, 1897, and by the Convention of October 29, 1897, to December 24, 1898, is extended by the present Convention for the period of one year counting from this last date. || This Convention shall be ratified by the two High Contracting Parties in conformity with their respective Constitutions, and the ratifications shall be exchanged in Washington as soon as possible. || In testimony whereof, we, the undersigned, by virtue of our respective powers, have signed this Convention in duplicate, in the English and Spanish languages, and have affixed our respective seals. || Done in the City of Washington, on the second day of December one thousand eight hundred and ninety-eight.

John Hay. [Seal]
José F. Godoy. [Seal]

Nr. 12258. NIEDERLANDE und BRASILIEN. — Auslieferungsvertrag.

Rio de Janeiro, 21. Dezember 1895.

Sa Majesté la Reine des Pays-Bas, et en Son nom Sa Majesté la Reine Régente du Royaume des Pays-Bas et le Président de la République des Etats-Unis du Brésil, ayant résolu d'un commun accord de conclure une nouvelle convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour leurs plénipotentiaires, savoir: || Sa Majesté la Reine Régente du Royaume des Pays-Bas F. Palm, Chevalier de l'Ordre du Lion Néerlandais, Commandeur de l'Ordre aboli de la Rose du Brésil, des Ordres de la Couronne de Chêne du Luxemburg, de la 1re classe de St. Olave de Norvège, de N. S. Jésus-Christ du Portugal et du Libérateur de Vénézuela, Chevalier des Ordres d'Isabelle la Catholique d'Espagne et de la Couronne d'Italie, Consul Général de Sa Majesté la Reine des Pays-Bas au Brésil; || Le Président de la République des Etats-Unis du Brésil Carlos Augusto de Carvalho, Ministre d'Etat des Relations

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Extérieures; || Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article I.

Le Gouvernement des Pays-Bas et le Gouvernement du Brésil s'engagent à se livrer réciproquement, d'après les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'Etat auquel l'extradition est demandée. || 1°. *a.* Attentat contre la vie ou la liberté du Roi, de la Reine Régnante, du Régent du Royaume des Pays-Bas, du Président de la République des Etats-Unis du Brésil ou du Chef d'un des Etats de la dite République, ou entrepris dans le dessein de les rendre incapables de régner ou de tenir le Gouvernement; || *b.* Attentat contre la vie ou la liberté de la Reine non régnante, de l'héritier présomptif du trône ou d'un membre de la famille souveraine des Pays-Bas, du vice-président de la République des Etats-Unis du Brésil ou du vice-président ou Vice-Gouverneur d'un des Etats de la dite République; || 2°. Meurtre ou assissinat, meurtre ou assassinat commis sur un enfant; || 3°. Menaces, faites par écrit et sous une condition déterminée, pour autant que les lois des deux pays permettent l'extradition de ce chef; || 4°. Avortement, procuré par la femme enceinte ou par d'autres; || 5°. Sévices, ayant occasionné une grave lésion corporelle ou la mort, sévices commis avec préméditation, ou sévices graves; || 6°. Viol; attentat à la pudeur; le fait d'avoir, en dehors du mariage, un commerce charnel avec une fille ou une femme au-dessous de l'âge de seize ans, ou avec une femme au-dessus de cet âge lorsque le coupable sait qu'elle est évanouie ou sans connaissance, actes d'immoralité, lorsque le coupable sait que la personne avec laquelle il les commet, est évanouie ou sans connaissance ou lorsque cette personne n'a pas atteint l'âge de seize ans; excitation d'une personne au-dessous de cet âge à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers; || 7°. Excitation de mineurs à la débauche et tout acte ayant pour objet de favoriser la débauche de mineurs, punissable d'après les lois des deux pays; || 8°. Bigamie; || 9°. Enlèvement, recel, suppression, substitution ou supposition d'un enfant; || 10°. Enlèvement de mineurs; || 11°. Contrefaçon ou altération de monnaies ou de papier-monnaie, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie comme non contrefaits et non-altérés, ou mise en circulation de monnaies ou de papier-monnaie contrefaits ou altérés, lorsqu'elle a lieu à dessein; || 12°. Contrefaçon ou falsification de timbres et de marques de l'Etat ou de marques d'ouvrir exigées par la loi, pour autant que les lois des deux pays permettent l'extradition de ce chef; || 13°. Faux en écriture et usage fait à dessein de l'écriture fausse au falsifiée, pour autant que les lois des deux pays permettent l'extradition de ce chef, la détention ou l'introduction de l'étranger de billets d'une banque de circulation fondée

en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus, qu'ils étaient faux ou falsifiées; || 14°. Faux serment; || 15°. Corruption de fonctionnaires publics, pour autant que les lois des deux pays permettent l'extradition de ce chef; concussion; détournement commis par des fonctionnaires ou par ceux qui sont considérés comme tels; || 16°. Incendie allumé à dessein, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; incendie allumé dans le dessein de se procurer ou de procurer à un tiers un profit illégal au détriment de l'assureur ou du porteur légal d'un contrat à la grosse; || 17°. Destruction illégale commise à dessein d'un édifice appartenant en tout ou en partie à un autre ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; || 18°. Actes de violence commis en public, à forces réunies, contres des personnes ou des biens; || 19°. Le fait illégal commis à dessein de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire, lorsqu'il peut en résulter un danger pour autrui; || 20°. Emeute et insubordination des passagers à bord d'un navire contre le capitaine et des gens de l'équipage contre leurs supérieurs; || 21°. Le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer; || 22°. Vol; || 23°. Escroquerie; || 24°. Abus de blanc seign; || 25°. Détournement; || 26°. Banqueroute frauduleuse. || Sont comprises dans les qualifications précédentes la tentative et la complicité lorsqu'elles sont punissables d'après la législation du pays auquel l'extradition est demandée.

Article II.

L'extradition n'aura pas lieu: || 1. Lorsque le fait a été commis dans un pays tiers et que le gouvernement de ce pays requiert l'extradition; || 2. Lorsque la demande en sera motivée par le même fait, pour lequel l'individu réclamé a été jugé dans le pays auquel l'extradition est demandée et du chef duquel il y a été condamné, absous ou acquitté; || 3. Si, d'après les lois du pays auquel l'extradition est demandée, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou, l'arrestation n'ayant pas encore eu lieu, avant qu'il n'ait été cité devant le tribunal pour être entendu.

Article III.

L'extradition n'aura pas lieu aussi longtemps que l'individu réclamé est poursuivi pour le même fait dans le pays auquel l'extradition est demandée.

Article IV.

Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'extradition est demandée, et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si d'après les lois du pays qui

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demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent, et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie.

Article V.

L'individu extradé ne pourra être ni poursuivi, ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque non prévu par la présente convention et antérieur à son extradition, ni extradé à un Etat tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé, et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié. || Il ne pourra pas non plus être poursuivi, ni puni du chef d'un crime ou d'un délit prévu par la convention, antérieur à l'extradition, sans le consentement du Gouvernement qui a livré l'extradé et qui pourra, s'il le juge convenable, exiger la production de l'un des documents mentionnés dans l'article 8 de la présente convention. Toutefois, ce consentement ne sera pas nécessaire lorsque l'inculpé aura demandé spontanément à être jugé ou à subir sa peine ou lorsqu'il n'aura pas quitté, dans le délai fixé plus haut, le territoire du pays auquel il a été livré.

Article VI.

Les dispositions de la présente convention ne sont point applicables aux délits politiques. La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'article 1er, ne peut, par conséquent, en aucun cas, être poursuivie et punie dans l'Etat auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée. || L'extradition sera accordée, alors même que le coupable alléguerait un motif ou un but politique, si le fait pour lequel elle est demandée constitue principalement un délit commun.

Article VII.

La remise de l'extradé ne sera rendue effective qu'après audience, aux Pays-Bas, de l'officier de justice auprès du tribunal de l'arrondissement dans lequel l'individu réclamé a été arrêté, et au Brésil du Procureur Général de la République et sans préjudice du recours à *l'habeas-corpus.*

Article VIII.

L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou

de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt délivré dans les formes prescrites par la législation de l'Etat qui fait la demande, et indiquant suffisamment le fait dont il s'agit, pour mettre l'Etat requis à même de juger s'il constitue, d'après sa législation, en cas prévu par la présente convention, ainsi que la disposition pénale qui lui est applicable.

Article IX.

Les objets saisis en la possession de l'individu réclamé seront livrés à l'Etat requérant, si l'autorité compétente de l'Etat requis en a ordonné la remise.

Article X.

En attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu, dont l'extradition peut-être requise aux termes de la présente convention, pourra être demandée: || du côté des Pays-Bas: || par tout officier de justice ou tout juge d'instruction (juge commissaire); || du côté du Brésil: || par le Ministre de la justice, || par le Président du Suprême Tribunal Fédéral, || par le Procureur Général de la République, || par le Président de la Cour d'Appellation du District Fédéral, || par le Procureur Général du District Fédéral, || par les Présidents des Tribunaux Supérieurs des Etats, || par les Chefs du Ministère Public des Etats. || Elle pourra être obtenue par télégramme collationné en conformité des dispositions du règlement annexé à la convention Télégraphique Internationale conclue à St. Pétersbourg le 22 juillet 1875.

Article XI.

L'étranger arrêté provisoirement, aux termes de l'article précédent, sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté, si dans le délai de deux mois après la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente convention, n'a pas été faite.

Article XII.

Lorsque dans la poursuite d'une affaire pénale non politique un des gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par la voie diplomatique, et il y sera donné suite, en observant les lois du pays, où les témoins seront invités à comparaître. En cas d'urgence toutefois une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des Etats à l'autorité judiciaire dans l'autre Etat. || Toute commission rogatoire, ayant pour but de demander une audition de témoins, devra être accompagnée d'une traduction française.

Article XIII.

Si dans une cause pénale non politique la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son Gouvernement l'engagera

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à se rendre à l'invitation que lui sera faite, et en cas de consentement, il lui sera accordé des frais de voyage et de séjour, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité. || Aucun témoin, quelle que soit nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Article XIV.

Lorsque dans une cause pénale non politique la confrontation de criminels, détenus dans l'autre Etat, ou bien la communication de pièces de conviction ou de documents, qui se trouveraient entre les mains des autorités de l'autre pays, sera jugée utile ou necessaire, la demande en sera faite par la voie diplomatique, et l'on y donnera suite à moins de considérations spéciales qui s'y opposent, et sous l'obligation de renvoyer les criminels et les pièces.

Article XV.

Le transit, à travers le territoire de l'un des Etats contractants, d'un individu livré par une tierce puissance à l'autre partie et n'appartenant pas au pays du transit, sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'article 8, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des articles 2 et 6, et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire. || Les frais du transit seront à la charge de l'Etat requérant.

Article XVI.

Les Gouvernements respectifs renoncent de part et d'autre à toute réclamation pour la restitution des frais d'entretien, de transport et autres, qui pourrait résulter, dans les limites respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi qui de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, et de l'envoi et de la restitution des pièces de conviction ou des documents. || L'individu à extrader sera conduit au port que désignera l'agent diplomatique ou consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

Article XVII.

La présente convention, laquelle n'est pas applicable aux colonies, entrera en vigueur six semaines après l'échange des ratifications. || A partir de sa mise à exécution la convention du 1er juin 1881 cessera d'être en vigueur et sera remplacée par la présente convention, laquelle continuera à sortir ses effets

jusqu'à six mois après déclaration contraire de la part de l'un des deux Gouvernements. || Elle sera ratifiée et les ratifications en seront échangées à Rio de Janeiro, aussitôt que possible après l'approbation par le Congrès des Etats-Unis du Brésil. || En foi de quoi les plénipotentiaires respectifs ont signé la présente convention et y ont apposé leurs cachets.

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Fait en double expédition à Rio de Janeiro le vingt et un décembre mil huit-cent quatre-vingt quinze.

(L. S.) F. Palm.
(L. S.) Carlos Augusto de Carvalho.

Nr. 12259. FRANKREICH und NIEDERLANDE. — Auslieferungsvertrag.

Paris, 24. Dezember 1895.

Nr. 12259. Frankreich und Niederlande. 24. Dez. 1895.

Sa Majesté la Reine des Pays-Bas et, en Son nom, Sa Majesté la Reine-Régente du Royaume et le Président de la République Française, ayant résolu, d'un commun accord, de conclure une nouvelle Convention pour l'extradition des malfaiteurs, ont nommé à cet effet pour Leurs Plénipotentiaires, savoir: || Sa Majesté la Reine-Régente du Royaume des Pays-Bas, || M. le Chevalier De Stuers, Envoyé extraordinaire et Ministre Plénipotentiaire de Sa Majesté la Reine des Pays-Bas près le Gouvernement de la République Française, etc., etc., etc., || Et le Président de la République Française, || Son Excellence M. Berthelot, Sénateur, Ministre des Affaires étrangères, etc., etc., etc., || Lesquels, après s'être communiqué leurs pleins pouvoirs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article premier.

Le Gouvernement des Pays-Bas et le Gouvernement de la République Française s'engagent à se livrer réciproquement, d'après les règles déterminées par les dispositions ci-après, les individus inculpés ou condamnés à raison de l'un des faits ci-après énumérés, commis sur le territoire de l'État requérant. || Les nationaux respectifs sont exceptés de l'extradition. Toutefois, s'il s'agit d'une personne qui aurait acquis la nationalité française depuis l'infraction dont elle est inculpée ou pour laquelle elle a été condamnée dans les Pays-Bas, cette circonstance n'empêchera pas la recherche, l'arrestation et l'extradition de cette personne conformément aux stipulations du présent traité. || S'il s'agit d'une personne qui aurait acquis la nationalité néerlandaise depuis l'infraction dont elle est inculpée ou pour laquelle elle a été condamnée en France, cette circonstance n'empêchera pas la poursuite devant la juridiction néerlandaise compétente, conformément aux dispositions de l'article 5 du Code pénal des Pays-Bas, tant que ces dispositions resteront en vigueur. || Lorsque le fait motivant la demande d'extradition aura été commis hors du territoire du Gouvernement requérant, il sera donné suite à cette demande si la légis-

lation du pays requis autorise la poursuite du même fait commis hors de son territoire, à moins que l'extradition ne soit demandée de ce chef par le Gouvernement d'un pays tiers où le fait a été commis.

Article II.

Les infractions pour lesquelles il y aura lieu à extradition sont les suivantes: || 1°. Assassinat, meurtre, empoisonnement, que ces crimes soient commis contre le Chef de l'Etat, le Souverain, l'Héritier du Trône, ou toute autre personne, pourvu que le crime n'ait pas un caractère politique; parricide, infanticide commis avec préméditation; || 2°. Menace faite, par écrit et sous une condition déterminée, de l'un des attentats suivants: || Violences publiques à forces réunies contre les personnes ou contre les propriétés, viol, attentat à la pudeur, meurtre, sévices graves, incendie; || 3°. Avortement; || 4°. Sévices commis volontairement, soit avec préméditation, soit quand il en est résulté une infirmité ou incapacité permanente de travail personnel, la perte ou la privation de l'usage absolu d'un membre, de l'œil ou de tout autre organe, une mutilation grave ou la mort sans intention de la donner; || 5°. Viol, attentat à la pudeur et attentat aux moeurs punissables dans les deux pays et prévus par les articles 243 à 247, 250 du Code pénal des Pays-Bas et par les articles 331 à 334 du Code pénal français; || 6°. Bigamie; || 7°. Enlèvement, recel, suppression, substitution ou supposition d'un enfant; || 8°. Enlèvement de mineurs; || 9°. Contrefaçon ou altération de monnaies, de papier-monnaie ou des billets de banque, entreprise dans le but d'émettre ou de faire émettre ces monnaies, ce papier-monnaie ou ces billets de banque, comme non contrefaits et non altérés; mise en circulation de monnaies, de papier-monnaie ou de billets de banque, contrefaits ou altérés, lorsqu'elle a lieu à dessein; || 10°. Contrefaçon ou falsification de timbres et de marques de l'Etat ou de marques d'ouvrier exigées par la loi, dans la mesure où les lois des deux pays permettent l'extradition de ce chef; || 11°. Faux en écriture et usage fait à dessein de l'écriture fausse ou falsifiée, lorsque les lois des deux pays permettent l'extradition de ce chef; détention ou introduction de l'étranger de billets d'une banque de circulation fondée en vertu de dispositions légales, dans le dessein de les mettre en circulation comme n'étant ni faux ni falsifiés, lorsque l'auteur savait au moment où il les a reçus qu'ils étaient faux ou falsifiés; || 12°. Faux serment; || 13°. Corruption de fonctionnaires publics dans les cas prévus par l'article 179 du Code pénal français et par les articles 178, 363 et 364 du Code pénal des Pays-Bas; || 14°. Concussion et détournement commis par des fonctionnaires publics ou autres personnes chargées d'un service public permanent ou temporaire; || 15°. Incendie ou destruction volontaire d'un édifice, incendie et destruction volontaires prévus par les articles 434, 435, 437 du Code pénal français et par les articles 157, 170, 328 et 352 du Code pénal des Pays-Bas; || 16°. Pillage, dégât des denrées ou marchandises, effets, propriétés mobilières, commis en public à forces réunies; || 17°. Destruction,

submersion, échouement et perte d'un navire, dans une intention coupable et s'il peut en résulter un danger pour autrui; || 18°. Émeute et insubordination des passagers, à bord d'un navire, contre le capitaine, et des gens de l'équipage contre leurs supérieurs; || 19°. Le fait, commis à dessein, d'avoir mis en péril un convoi sur un chemin de fer; || 20°. Vol; || 21°. Escroquerie; || 22°. Abus de blanc-seing; || 23°. Détournement; || 24°. Banqueroute frauduleuse. || La tentative des infractions prévues ci-dessus et la complicité dans les mêmes infractions donneront également lieu à extradition, lorsqu'elles seront punissables d'après la législation des deux pays.

Article III.

L'extradition ne sera pas accordée tant que l'étranger sera poursuivi dans le pays de refuge pour l'infraction faisant l'objet de la demande d'extradition ou bien si, à raison de cette infraction, il y a été définitivement condamné, acquitté ou renvoyé de la plainte. || L'extradition n'aura pas lieu si, d'après les lois du pays requis, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé, ou s'il n'a pas encore été arrêté avant qu'il n'ait été cité devant le tribunal pour être entendu.

Article IV.

Si l'individu réclamé est poursuivi dans le pays requis ou y a été condamné pour une infraction autre que celle motivant la demande d'extradition, la remise ne sera effectuée qu'après que la poursuite sera terminée ou, en cas de condamnation, après que la peine aura été exécutée. || Toutefois, cette disposition ne fera pas obstacle à ce que cet étranger puisse être livré temporairement pour comparaître devant les tribunaux du pays requérant, sous la condition qu'il sera renvoyé dès que la justice de ce pays aura statué.

Article V.

L'individu extradé ne sera ni poursuivi ni jugé contradictoirement pour une infraction autre que celle ayant motivé l'extradition, à moins d'un consentement spécial donné, dans les conditions de la loi, par le Gouvernement requis. || Sera considéré comme soumis sans réserve à l'application des lois de la nation requérante, à raison d'un fait quelconque antérieur à l'extradition et différent de l'infraction qui a motivé cette mesure, l'individu livré qui aura eu, pendant un mois depuis son élargissement définitif, la faculté de quitter le territoire de cette nation.

Article VI.

Dans le cas où, l'extradition d'un étranger ayant été accordée par l'une des deux Puissances contractantes à l'autre, le Gouvernement d'un pays tiers solliciterait à son tour de celle-ci la remise du même individu, à raison d'un fait autre que celui ayant motivé l'extradition ou non connexe à ce fait, la Puissance ainsi requise ne déferera, s'il y a lieu, à la demande qu'après s'être

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assuré du consentement de l'Etat qui aura primitivement accordé l'extradition. || Toutefois, cette réserve n'aura pas lieu d'être appliquée lorsque l'individu extradé aura eu, pendant le délai fixé par l'article 5, la faculté de quitter le territoire du pays auquel il a été livré.

Article VII.

Aucune personne ne sera livrée si le délit pour lequel l'extradition est demandée est considéré par la partie requise comme un délit politique ou un fait connexe à un semblable délit.

Article VIII.

Toute demande d'extradition sera adressée au Gouvernement requis, par voie diplomatique, et sera accompagnée, soit d'un jugement ou d'un arrêt de condamnation, même par défaut ou par contumace, notifié, dans ces derniers cas, suivant les formes qui seraient prescrites par la législation du pays requérant, soit d'un acte de procédure criminelle d'une juridiction compétente, décrétant formellement ou opérant de plein droit le renvoi de l'inculpé devant la juridiction répressive, soit d'un mandat d'arrêt ou de tout autre acte ayant la même force et décerné par l'autorité judiciaire, pourvu que ces derniers actes renferment l'indication précise du fait pour lequel ils sont délivrés et, autant que possible, la date de ce fait. || Les pièces ci-dessus mentionnées devront être produites en original ou en expédition authentique. || Le Gouvernement requérant devra produire, en même temps, la copie des textes de lois applic bles au fait incriminé et, autant que possible, le signalement de l'individu réclamé.

Article IX.

Quand il y aura lieu à extradition, tous les objets saisis pouvant servir à constater l'infraction ainsi que les objets provenant du délit seront, suivant l'appréciation de l'autorité compétente, remis à la Puissance réclamante, soit que l'extradition puisse s'effectuer, l'individu réclamé ayant été arrêté, soit qu'il ne puisse y être donné suite, cet individu ayant de nouveau pris la fuite ou étant décédé. Sont réservés toutefois les droits que des tiers, non impliqués dans la poursuite, auraient pu acquérir sur lesdits objets.

Article X.

En attendant la demande d'extradition, l'arrestation provisoire du fugitif pourra être requise, soit par la voie diplomatique, soit, du côté des Pays-Bas, par tout offficier de justice ou tout juge d'instruction (juge commissaire), et du côté de la France, par tout Procureur de la République ou juge d'instruction. || L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays requis.

Article XI.

L'étranger arrêté provisoirement aux termes de l'article précédent sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis

en liberté si, dans les vingt jours qui suivront celui de l'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente Convention, n'a pas été faite.

Article XII.

Lorsque, dans la poursuite d'une affaire pénale non politique, l'un des Gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre Etat ou tout autre acte d'instruction iudiciaire, une commission rogatoire sera envoyée à cet effet, par la voie diplomatique, et il y sera donné suite, en observant les lois du pays dans lequel l'audition des témoins ou l'acte d'instruction devra avoir lieu. Lorsqu'il y aura urgence, la commission rogatoire pourra être directement adressée par l'autorité judiciaire de l'un des États à l'autorité judiciaire de l'autre Etat, mais, dans le cas où elle émanerait de l'autorité judiciaire des Pays-Bas, elle devra être accompagnée d'une traduction française en double exemplaire.

Article XIII.

Si, dans une cause pénale, la comparution personnelle d'un témoin est nécessaire, le Gouvernement du pays où réside le témoin l'engagera à se rendre à l'invitation qui lui sera faite. Dans ce cas, des frais de voyage et de séjour, calculés depuis sa résidence, lui seront accordés, d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le Gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité. || Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour une inculpation ou condamnation antérieure ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin. || Lorsque, dans une cause pénale non politique, instruite dans l'un des deux pays, la production de pièces ou documents judiciaires sera jugée utile, la demande en sera faite par voie diplomatique et on y donnera suite, à moins que des considérations particulières ne s'y opposent, et sous l'obligation de renvoyer les pièces.

Article XIV.

Il est convenu que l'extradition, par voie de transit à travers le territoire de l'une des Parties contractantes, d'un individu livré à l'autre partie sera accordée sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'article 8, pourvu que le fait servant de base à l'extradition soit compris dans une convention conclue entre le pays de transit et le pays requérant, que ce fait n'ait pas un caractère politique et que l'individu livré ne soit pas un national du pays à traverser. Le transit aura lieu, quant à l'escorte, avec le concours d'agents du pays qui a autorisé le transit sur son territoire; les frais seront à la charge de l'État requérant.

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Article XV.

Les Gouvernements respectifs renoncent, de part et d'autre, à toute réclamation pour la restitution des frais d'entretien, de transport et autres qui pourraient résulter, dans les limites de leurs territoires respectifs, de l'extraditon des prévenus, accusés ou condamnés, ainsi que de ceux résultant, soit du transport et du renvoi des détenus à confronter, soit de l'envoi et de la restitution des pièces à conviction ou de documents. || La même règle est applicable aux frais d'exécution des commissions rogatoires, dans le cas même où il s'agirait d'expertise, pourvu toutefois que cette expertise n'ait pas entraîné plus d'une vacation. || Au cas où le transport par mer serait jugé préférable, l'individu à extrader sera conduit au port que désignera l'agent diplomatique ou consulaire du Gouvernement requérant, aux frais duquel il sera embarqué.

Article XVI.

Les stipulations de la présente Convention seront applicables aux colonies, possessions étrangères ou pays protégés des deux Hautes Parties contractantes, sauf à tenir compte des lois spéciales en vigueur dans lesdites colonies ou possessions. || La demande d'extradition du malfaiteur qui s'est réfugié dans une colonie, possession étrangère ou pays protégé de l'autre Partie pourra aussi être faite directement au Gouverneur ou fonctionnaire principal de ladite colonie ou possession par le Gouverneur ou fonctionnaire principal de l'autre colonie ou possession, pourvu que les deux pays soient situés, l'un et l'autre, soit dans la partie du monde comprenant l'Asie, l'Australie et l'Afrique orientale, soit tous deux en Amérique. || Lesdits Gouverneurs ou premiers fonctionnaires auront la faculté ou d'accorder l'extradition ou d'en référer à leur Gouvernement. || Le délai pour la mise en liberté visé à l'article 11 sera de soixante jours.

Article XVII.

Par dérogation à l'article 8, tout individu, subissant dans les établissements pénitentiaires de la Guyane française une peine encourue pour un des faits prévus dans la présente Convention, sera extradé par le Gouverneur de Surinam sur la production du signalement de l'individu et de l'extrait matriculaire, qui indiquera les faits ayant motivé la condamnation ainsi que la juridiction qui l'aura prononcée. Cet extrait sera certifié, au nom du Gouverneur français, par le chef de l'établissement d'où l'évasion aura eu lieu, et revêtu d'un timbre officiel de l'établissement.

Article XVIII.

La présente Convention entrera en vigueur quatre mois après l'échange des ratifications. A partir de sa mise à exécution, les Conventions du 7 novembre 1844, du 2 août 1860 et du 3 août 1860 cesseront d'être en vigueur. || La présente Convention sera ratifiée et les ratifications en seront échangées à Paris aussitôt que possible. || Chacune des Parties contractantes

pourra, en tout temps, mettre fin à la Convention en donnant à l'autre, six mois à l'avance, avis de son intention.

Nr. 12259. Frankreich und Niederlande. 24. Dez. 1895.

En foi de quoi les plénipotentiaires respectifs ont signé la présente Convention et y ont apposé leurs cachets.

Fait, en double expédition, à Paris, le 24 décembre 1895.

(L. S.) A. De Stuers.
(L. S.) M. Berthelot.

Nr. 12260. NIEDERLANDE und SCHWEIZ. — Auslieferungsvertrag.

Bern, 31. März 1898.

Nr. 12260. Niederlande und Schweiz. 31. März 1898.

Le Conseil fédéral de la Confédération suisse et || Sa Majesté la Reine des Pays-Bas || et, en Son nom, Sa Majesté la Reine-Régente du Royaume, || ayant résolu, d'un commun accord, de conclure une nouvelle convention pour l'extradition des malfaiteurs; || ont nommé à cet effet pour leurs plénipotentiaires savoir: || Le Conseil fédéral de la Confédération suisse: || Monsieur le Conseiller fédéral Ernest Brenner, chef du Département de Justice et Police, et || Sa Majesté la Reine-Régente du Royaume des Pays-Bas: || Monsieur le Comte Dmitry-Louis de Bylandt, chevalier de l'ordre du Lion néerlandais, ministre-résident de Sa Majesté la Reine des Pays-Bas près la Confédération suisse, || lesquels, après s'être communiqué leurs pleins pouvoirs trouvés en bonne et due forme, sont convenus des articles suivants:

Article 1er.

Le Conseil fédéral de la Confédération suisse et le gouvernement des Pays-Bas s'engagent à se livrer réciproquement d'après les règles déterminées par les articles suivants, à l'exception de leurs nationaux, les individus condamnés ou prévenus à raison d'un des faits ci-après énumérés, commis hors du territoire de l'Etat auquel l'extradition est demandée, s'ils constituent une infraction de droit commun et en tant que les lois des deux pays permettent l'extradition de ce chef:

1° assassinat, meurtre et empoisonnement; || 2° infanticide („Kinderdoodslag" ou „Kindermoord"): || 3° menaces, faites par écrit et sous une condition déterminée; || 4° avortement, procuré par la femme enceinte ou par d'autres; || 5° blessures, coups volontaires, voies de fait, ayant occasionné une grave lésion corporelle ou la mort; || 6° viol, attentat à la pudeur commis avec violence ou sur une personne sans défense ou privée de ses facultés mentales, actes immoraux commis sur des enfants au-dessous de l'âge de seize ans ou sur une personne quelconque par celui à qui elle est confiée, excitation d'une personne au-dessous de seize ans à commettre ou à subir des actes d'immoralité ou à avoir, en dehors du mariage, un commerce charnel avec un tiers; || 7° excitation de mineurs à la débauche et tout acte ayant pour objet de

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favoriser la débauche de mineurs, punissable d'après les lois des deux pays; || 8° bigamie; || 9° rapt ou séquestration d'un enfant ou d'un mineur; || 10° enlèvement de mineurs; || 11° contrefaçon ou altération de monnaies ou de papier-monnaie ou de billets de banque, entreprise dans le dessein d'émettre ou de faire émettre ces monnaies ou ce papier-monnaie ou ces billets de banque comme non contrefaits et non altérés, ou mise en circulation de monnaies ou de papier-monnaie ou de billets de banque contrefaits ou altérés, lorsqu'elle a lieu à dessein; || 12° contrefaçon ou falsification de poinçons, timbres ou clichés, usage frauduleux ou abus de timbres, poinçons ou clichés contrefaits ou authentiques; || 13° falsification et contrefaçon de documents, usage frauduleux de documents contrefaits ou falsifiés; || 14° faux serment ou fausse déclaration faite sous promesse solennelle, faux témoignage: || 15° corruption de fonctionnaires publics, de juges et d'arbitres, détournements commis par des fonctionnaires publics, concussions, abus d'autorité par suite de corruption; || 16° incendie intentionnel, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui; || 17° destruction illégale, commise à dessein, d'un édifice appartenant en tout ou en partie à un autre, ou d'un édifice ou d'une construction, lorsqu'il peut en résulter un danger commun pour des biens ou un danger de mort pour autrui: || 18° le fait illégal, commis à dessein, de faire couler à fond, de faire échouer, de détruire, de rendre impropre à l'usage ou de détériorer un navire lorsqu'il peut en résulter un danger pour autrui, || 19° le fait commis à dessein d'avoir mis en péril un convoi sur un chemin de fer; || 20° vol, brigandage (piraterie); || 21° escroquerie; || 22° abus de blanc-seing; || 23° abus de confiance (détournement); || 24° banqueroute frauduleuse. || Sont comprises dans les qualifications précédentes la complicité et la tentative, en tant que la dernière est punissable d'après la législation du pays requis.

Article 2.

L'extradition n'aura pas lieu: || 1° lorsque le fait a été commis dans un pays tiers et que le gouvernement de ce pays requiert l'extradition; || 2° lorsque la demande en sera motivée par le même fait pour lequel l'individu réclamé a été définitivement jugé dans le pays auquel l'extradition est demandée ou pour lequel il y est l'objet de poursuites pénales; || 3° si, d'après les lois du pays auquel l'extradition est demandée ou d'après celles de l'Etat requérant, la prescription de l'action ou de la peine est acquise avant l'arrestation de l'individu réclamé ou, l'arrestation n'ayant pas encore eu lieu, avant q'uil n'ait été cité devant le tribunal pour être entendu.

Article 3.

Si l'individu réclamé est poursuivi ou subit une peine pour une autre infraction que celle qui a donné lieu à la demande d'extradition, son extradition ne sera accordée qu'après la fin de la poursuite dans le pays auquel l'ex-

tradition est demandée et, en cas de condamnation, qu'après qu'il aura subi sa peine ou qu'il aura été gracié. Néanmoins, si, d'après les lois du pays qui demande l'extradition, la prescription de la poursuite pouvait résulter de ce délai, son extradition sera accordée, si des considérations spéciales ne s'y opposent et sous l'obligation de renvoyer l'extradé aussitôt que la poursuite dans ce pays sera finie. || Les frais d'aller et de retour seront à la charge de l'Etat requérant.

Article 4.

Il est expressément stipulé que l'individu extradé ne pourra être ni poursuivi ni puni, dans le pays auquel l'extradition a été accordée, pour un fait punissable quelconque autre que celui qui a motivé l'extradition et les infractions connexes à celui-ci et antérieures à son extradition, ni extradé à un Etat tiers sans le consentement de celui qui a accordé l'extradition, à moins qu'il n'ait eu la liberté de quitter de nouveau le pays susdit pendant un mois après avoir été jugé et, en cas de condamnation, après avoir subi sa peine ou après avoir été gracié.

Article 5.

L'extradition ne sera accordée qu'à la condition que l'individu livré ne soit pas jugé par un tribunal d'exception.

Article 6.

Les dispositions du présent traité ne sont point applicables aux délits politiques et l'extradition ne sera pas accordée pour des infractions politiques. || Elle sera toutefois accordée, alors même que le coupable alléguerait un motif ou un but politique, si le fait pour lequel elle est demandée constitue principalement un délit commun. || La personne qui a été extradée à raison de l'un des faits de droit commun mentionnés à l'article 1er ne peut par conséquent, en aucun cas, être poursuivie et punie dans l'Etat auquel l'extradition a été accordée, à raison d'un délit politique commis par elle avant l'extradition, ni à raison d'un fait connexe à un semblable délit politique, à moins qu'elle n'ait eu la liberté de quitter de nouveau le pays pendant un mois après avoir été jugée et, en cas de condamnation, après avoir subi sa peine ou après avoir été graciée.

Article 7.

L'extradition sera demandée par la voie diplomatique et ne sera accordée que sur la production de l'original ou d'une expédition authentique, soit d'un jugement de condamnation, soit d'une ordonnance de mise en accusation ou de renvoi devant la justice répressive avec mandat d'arrêt, soit d'un mandat d'arrêt; ces pièces devront être délivrées par l'autorité compétente et dans les formes prescrites par la législation de l'Etat qui fait la demande, et indiquer suffisamment le fait dont il s'agit pour mettre l'Etat requis à même de juger s'il constitue, d'après sa législation, un cas prévu par la présente convention et contenir en copie la disposition pénale qui lui est applicable. || Ces docu-

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ments devront aussi toujours être accompagnés d'une traduction française ou allemande, lorsqu'ils ne seront pas rédigés dans l'une de ces langues. || Les pièces allemandes devront être écrites en lettres latines.

Article 8.

Les objets saisis en la possession de l'individu réclamé seront livrés à l'Etat requérant, si l'autorité compétente de l'Etat requis en a ordonné la remise.

Article 9.

Dans le cas où l'individu poursuivi serait empêché par l'extradition de remplir ses obligations contractées par lui envers des particuliers, son extradition n'en sera pas moins effectuée, mais l'autre partie aura le droit de faire valoir ses prétentions devant l'autorité compétente.

Article 10.

En cas d'urgence et en attendant la demande d'extradition par la voie diplomatique, l'arrestation provisoire de l'individu dont l'extradition peut être requise aux termes de la présente convention pourra être demandée directement par la poste ou par le télégraphe, par une autorité compétente de l'un des Etats contractants à celles de l'autre. || Ces autorités sont: du côté de la Suisse: tout département ou toute direction de justice et police et tout juge d'instruction; du côté des Pays-Bas: tout officier de justice ou tout juge d'instruction (juge-commissaire). Avis de la demande directe d'arrestation provisoire devra être donné sans retard, par la voie diplomatique, au gouvernement de l'Etat requis. || L'arrestation provisoire est soumise aux formes et aux règles prescrites par la législation du pays auquel la demande est faite.

Article 11.

L'étranger arrêté provisoirement aux termes de l'article précédent sera, à moins que son arrestation ne doive être maintenue pour un autre motif, mis en liberté si, dans le délai de vingt jours qui, en Suisse, courra de l'arrestation provisoire, dans les Pays-Bas de la date du mandat d'arrestation provisoire, la demande d'extradition par la voie diplomatique, avec remise des documents prescrits par la présente convention, n'a pas été faite. || Il sera également mis en liberté si, dans un délai de vingt jours à partir de la communication du décret accordant l'extradition, l'Etat requérant n'a pas pourvu à la réception de l'extradé ni à son transit sur le territoire des Etats intermédiaires. Ce délai pourra être prolongé sur la demande motivée de l'Etat requérant.

Article 12.

Lorsque, dans la poursuite d'un délit énuméré à l'article premier de ce traité, un des gouvernements jugera nécessaire l'audition de témoins se trouvant dans l'autre Etat, une commission rogatoire sera envoyée à cet effet par

la voie diplomatique et il y sera donné suite en obvervant les lois du pays où les témoins seront invités à comparaître. En cas d'urgence toutefois, une commission rogatoire pourra être directement adressée par l'autorité judiciaire dans l'un des Etats à l'autorité judiciaire dans l'autre Etat. || Toute commission rogatoire devra être accompagnée d'une traduction française ou allemande lorsqu'elle ne sera pas rédigée dans une de ces langues. Les pièces allemandes doivent être écrites en lettres latines.

Article 13.

Si, dans une cause pénale résultant d'un délit énuméré à l'article premier de ce traité, la comparution personnelle d'un témoin dans l'autre pays est nécessaire ou désirée, son gouvernement l'engagera à se rendre à l'invitation qui lui sera faite et, en cas de consentement, il lui sera accordé des frais de voyage et de séjour d'après les tarifs et règlements en vigueur dans le pays où l'audition devra avoir lieu, sauf le cas où le gouvernement requérant estimera devoir allouer au témoin une plus forte indemnité. || Aucun témoin, quelle que soit sa nationalité, qui, cité dans l'un des deux pays, comparaîtra volontairement devant les juges de l'autre pays, ne pourra y être poursuivi ou détenu pour des faits ou condamnations criminels antérieurs, ni sous prétexte de complicité dans les faits objets du procès où il figurera comme témoin.

Article 14.

Lorsque, dans une cause pénale résultant d'un délit énuméré à l'article premier de ce traité, la confrontation de criminels détenus dans l'autre Etat ou bien la communication de pièces de conviction ou de documents qui se trouveraient entre les mains des autorités de l'autre pays sera jugée utile ou nécessaire, la demande en sera faite par la voie diplomatique et l'on y donnera suite à moins de considérations spéciales qui s'y opposent et sous l'obligation de renvoyer les criminels et les pièces.

Article 15.

Le transit, à travers le territoire de l'un des Etats contractants, d'un individu livré par une tierce puissance à l'autre partie et n'appartenant pas au pays du transit sera accordé sur la simple production, en original ou en expédition authentique, de l'un des actes de procédure mentionnés à l'article 7, pourvu que le fait servant de base à l'extradition soit compris dans la présente convention et ne rentre pas dans les prévisions des articles 2 et 6 et que le transport ait lieu, quant à l'escorte, avec le concours de fonctionnaires du pays qui a autorisé le transit sur son territoire. || Les frais de transit seront à la charge de l'Etat requérant.

Article 16.

Les gouvernements respectifs renoncent, de part et d'autre, à toute réclamation pour la restitution des frais d'entretien, de transport et autres qui

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pourraient résulter, dans les limites de leurs territoires respectifs, de l'extradition des prévenus, accusés ou condamnés, ainsi que de ceux résultant de l'exécution des commissions rogatoires, du transport et du renvoi des criminels à confronter, ainsi que de l'envoi et de la restitution des pièces de conviction ou des documents.

Article 17.

Les parties contractantes s'engagent à se communiquer réciproquement, en tant que faire se pourra, tous les arrêts de condamnation pour crimes et délits de toute sorte prononcés par les tribunaux de l'un des Etats contractants contre les ressortissants de l'autre. Cette communication aura lieu moyennant l'envoi, par voie diplomatique, d'un extrait du jugement devenu définitif.

Article 18.

Chacune des parties contractantes accordera à l'autre, sous réserve de réciprocité, l'extradition pour un délit non prévu par la présente convention, si cette extradition était accordée à l'avenir à un Etat tiers.

Article 19.

Les stipulations de la présente convention seront applicables aux colonies et possessions étrangères des Pays-Bas, mais, étant basées sur la législation de la mère-patrie, ces dispositions ne seront observées qu'en tant qu'elles seront compatibles avec les lois en vigueur dans ces colonies et possessions. || Par dérogation à l'article 11, le délai pour la mise en liberté sera de quatre-vingt-dix jours.

Article 20.

La présente convention ne sera exécutoire que trois mois après l'échange des actes de ratification. || A partir de sa mise à exécution, la convention du 21 décembre 1853 cessera d'être en vigueur et sera remplacée par la présente convention, laquelle continuera à sortir ses effets jusqu'à six mois après déclaration contraire de la part de l'un des deux gouvernements. || Elle sera ratifiée et les ratifications en seront échangées dans le délai de six mois ou plus tôt si faire se peut.

En foi de quoi, les plénipoténtiaires respectifs ont signé la présente convention et y ont apposé le cachet de leurs armes. || Fait en double expédition à Berne, le 31 mars 1898.

(L. S.) (sig.) Brenner.
(L. S.) (sig.) D. de Bylandt.

Zusatz-Protokoll

betreffend Verlängerung der Frist für die Ratifikation und den Austausch der Ratifikationsurkunden zu dem am 31. März 1898 zwischen der Schweiz und den Niederlanden abgeschlossenen Auslieferungsvertrag.

Originaltext.

Des circonstances particulières ayant empêché de procéder, dans le délai primitivement fixé, à la ratification et à l'échange dès ratifications de la

convention d'extradition conclue entre la Suisse et les Pays-Bas le 31 mars 1898, il a été entendu d'un commun accord que le délai de six mois prévu à l'article 20, alinéa 3, de la convention précitée serait prorogé jusqu'à une année. || En foi de quoi, les plénipotentiaires respectifs ont signé le présent protocole additionnel et y ont apposé le cachet de leurs armes.

Nr. 12260. Niederlande und Schweiz. 31. März 1898.

Fait en double expédition à Berne, le 30 septembre 1898.

Le plénipotentiaire de la Confédération suisse:
(L. S.) Brenner.
Le plénipotentiaire de Sa Majesté la Reine des Pays-Bas:
(L. S.) D. de Bylandt.

Protokoll.

Originaltext.

Les soussignés || Ernest Brenner, Conseiller fédéral, chef du Département de Justice et Police, et || le Comte D. de Bylandt, Ministre-Résident des Pays-Bas, à Berne, || s'étant réunis pour procéder à l'échange des ratifications données, par le Conseil fédéral suisse et Sa Majesté la Reine des Pays-Bas, à la convention signée, à Berne, le 31 mars 1898, entre les plénipotentiaires des deux Etats et concernant l'extradition des malfaiteurs. || Les instruments originaux en ont été reproduits et, après collation, trouvés en bonne et due forme, et l'échange des ratifications a été opéré. || En foi de quoi, les soussignés ont dressé le présent procès-verbal, qu'ils ont signé en double expédition et revêtu de leur cachet.

Fait à Berne, le 22 décembre 1898.

(L. S.) Brenner.
(L. S.) D. de Bylandt.

Nr. 12261. VEREINIGTE STAATEN von AMERIKA und SCHWEDEN.

Auslieferungsvertrag.

Washington, 14. Januar 1893.

Nr. 12261. Vereinigte Staaten von Amerika und Schweden. 14. Jan. 1893.

The United States of America and His Majesty the King of Sweden and Norway, being desirous to confirm their friendly relations and to promote the cause of justice, have resolved to conclude a new treaty for the extradition of fugitives from justice between the United States of America and the Kingdom of Sweden, and have appointed for that purpose the following Plenipotentiaries: || The President of the United States of America, John W. Foster, Secretary of State of the United States; and || His Majesty the King of Sweden and Norway, J. A. W. Grip, His Majesty's Envoy Extraordinary and Minister Plenipotentiary to the United States; || Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

Nr. 12261. Vereinigte Staaten von Amerika und Schweden. 14. Jan. 1893.

Article I.

The Government of the United States and the Government of Sweden mutually agree to deliver up persons who, having been charged with or convicted of any of the crimes and offenses specified in the following article, committed within the jurisdiction of one of the contracting parties, shall seek an asylum or be found within the territories of the other: Provided, that this shall only be done upon such evidence of criminality as, according to the laws of the place where the fugitive or person so charged shall be found, would justify his or her apprehension and commitment for trial, if the crime or offense had been there committed.

Article II.

Extradition shall be granted for the following crimes and offenses: || 1. Murder, comprehending assassination, parricide, infanticide and poisoning; attempt to commit murder; the killing of a human being, when such act is punishable in the United States as voluntary manslaughter, and in Sweden as manslaughter. || 2. Arson. || 3. Robbery, defined to be the act of feloniously and forcibly taking from the person of another money or goods, by violence or putting him in fear; burglary; also house-breaking or shop-breaking. || 4. Forgery, or the utterance of forged papers; the forgery or falsification of official acts of government, of public authorities, or of courts of justice, or the utterance of the thing forged or falsified. || 5. The counterfeiting, falsifying or altering of money, whether coin or paper, or of instruments of debt created by national, state, provincial, or municipal governments, or of coupons thereof, or of bank-notes, or the utterance or circulation of the same; or the counterfeiting, falsifying or altering of seals of state. || 6. Embezzlement by public officers; embezzlement by persons hired or salaried, to the detriment of their employers; larceny; obtaining money, valuable securities or other property by false pretenses, or receiving money, valuable securities or other property knowing the same to have been embezzled, stolen or fraudulently obtained, when such act is made criminal by the laws of both countries and the amount of money or the value of the property fraudulently obtained or received is not less than $ 200 or kronor 740 || 7. Fraud or breach of trust by a bailee, banker, agent, factor, trustee or other person acting in a fiduciary capacity, or director or member or officer of any company, when such act is made criminal by the laws of both countries and the amount of money or the value of the property misappropriated is not less than $ 200 or kronor 740. || 8. Perjury; subornation of perjury. || 9. Rape; abduction; kidnapping. || 10. Willful and unlawful destruction or obstruction of railroads which endangers human life. || 11. Crimes committed at sea: || a) Piracy, by statute or by the law of nations; || b) Revolt, or conspiracy to revolt, by two or more persons on board a ship on the high seas, against the authority of the master; || c) Wrongfully sinking or destroying a vessel at sea, or attempting to do so; || d) Assaults on board

a ship on the high seas with intent to do grievous bodily harm. || 12. Crimes and offenses against the laws of both countries for the suppression of slavery and slave trading. || Extradition is also to take place for participation in any of the crimes and offenses mentioned in this treaty, provided such participation may be punished, in the United States as a felony, and in Sweden by imprisonment at hard labor.

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Article III.

Requisitions for the surrender of fugitives from justice shall be made by the diplomatic agents of the contracting parties, or in the absence of these from the country or its seat of government, may be made by the superior consular officers. || If the person whose extradition is requested shall have been convicted of a crime or offense, a duly authenticated copy of the sentence of the court in which he was convicted, or if the fugitive is merely charged with crime, a duly authenticated copy of the warrant of arrest in the country where the crime has been committed, and of the depositions or other evidence upon which such warrant was issued, shall be produced. || The extradition of fugitives under the provisions of this Treaty shall be carried out in the United States and Sweden, respectively, in conformity with the laws regulating extradition for the time being in force in the state on which the demand for surrender is made.

Article IV.

Where the arrest and detention of a fugitive are desired on telegraphic or other information in advance of the presentation of formal proofs, the proper course in the United States shall be to apply to the judge or other magistrate authorized to issue warrants of arrest in extradition cases, and present a complaint on oath, as provided by the statutes of the United States. || In the Kingdom of Sweden the proper course shall be to apply to the Foreign Office, which will immediately cause the necessary steps to be taken in order to secure the provisional arrest and detention of the fugitive. || The provisional detention of a fugitive shall cease and the prisoner be released, if a formal requisition for his surrender, accompanied by the necessary evidence of his criminality, has not been produced, under the stipulations of this Treaty, within two months from the date of his provisional arrest or detention.

Article V.

Neither of the contracting parties shall be bound to deliver up its own citizens or subjects under the stipulations of this Treaty.

Article VI.

A fugitive criminal shall not be surrendered if the offense in respect of which his surrender is demanded be of a political character, or if he proves that the requisition for his surrender has, in fact, been made with a view to try or punish him for an offense of a political character. || No person surren-

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dered by either of the high contracting parties to the other shall be triable or tried or be punished for any political crime or offense, or for any act connected therewith, committed previously to his extradition. || If any question shall arise as to whether a case comes within the provisions of this article, the decision of the authorities of the government on which the demand for surrender is made, or which may have granted the extradition shall be final.

Article VII.

Extradition shall not be granted, in pursuance of the provisions of this Treaty, if legal proceedings or the enforcement of the penalty for the act committed by the person claimed has become barred by limitation, according to the laws of the country to which the requisition is addressed.

Article VIII.

No person surrendered by either of the high contracting parties to the other shall, without his consent, freely granted and publicly declared by him, be triable or tried or be punished for any crime or offense committed prior to his extradition, other than that for which he was delivered up, until he shall have had an opportunity of returning to the country from which he was surrendered.

Article IX.

All articles seized which are in the possession of the person to be surrendered at the time of his apprehension, whether being the proceeds of the crime or offense charged, or being material as evidence in making proof of the crime or offence, shall, so far as practicable and in conformity with the laws of the respective countries, be given up when the extradition takes place Nevertheless, the rights of third parties with regard to such articles shall be duly respected.

Article X.

If the individual claimed by one of the high contracting parties, in pursuance of the present Treaty, shall also be claimed by one or several other powers on account of crimes or offenses committed within their respective jurisdictions, his extradition shall be granted to the state whose demand is first received: Provided, that the government from which extradition is sought is not bound by Treaty to give preference otherwise.

Article XI.

The expenses incurred in the arrest, detention, examination and delivery of fugitives under this Treaty shall be borne by the state in whose name the extradition is sought: Provided, that the demanding government shall not be compelled to bear any expense for the services of such public officers of the government from which extradition is sought as receive a fixed salary; and Provided, that the charge for the services of such public officers as receive

only fees or perquisites shall noth exceed their customary fees for the acts or services performed by them had such acts or services been performed in ordinary criminal proceedings under the laws of the country of which they are officers.

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Article XII.

The present treaty shall take effect on the thirtieth day after the date of the exchange of ratifications, and shall not operate retroactively. On the day on which it takes effect the convention of March 21st 1860, shall, as between the Governments of the United States and of Sweden cease to be in force except as to crimes therein enumerated and committed prior to that day. || The ratifications of the present Treaty shall be exchanged at Washington as soon as possible, and it shall remain in force for a period of six months after either of the contracting Governments shall have given notice of a purpose to terminate it. || In witness whereof the respective Plenipotentiaries have signed the above articles and have hereunto affixed their seals. || Done in duplicate at the city of Washington this fourteenth day of January, one thousand eight hundred and ninety-three.

John W. Foster. [Seal.]
J. A. W. Grip. [Seal.]

Nr. 12262. VEREINIGTE STAATEN und ITALIEN. — Zollabkommen.

Washington, 8. Februar 1900.

Sua Maestà il Re d'Italia e il Presidente degli Stati-Uniti d'America, desiderosi entrambi di migliorare, con uno speciale Accordo, le relazioni commerciali fra i due paesi, hanno nominato a queste scopo a loro plenipotenziari: || Sua Maestà il Re d'Italia: || Sua Eccellenza il barone S. Fava, Senatore del Regno, suo Ambasciatore a Washington, ecc., || Il Presidente degli Stati-Uniti d'America: || L'on. John A. Kasson, Commissario speciale plenipotenziario, ecc., || i quali, essendo muniti di regolari poteri, hanno convenuto quanto segue:

Nr. 12262. Vereinigte Staaten und Italien. 8. Feb. 1900.

Art. I.

È convenuto da parte degli Stati-Uniti d'America, in conformità ed in accordo con le disposizioni della sezione 3ª della legge doganale degli Stati-Uniti, approvata il 24 Iuglio 1897, ed in considerazione delle concessioni qui appresso enumerate fatte dall'Italia in favore dei prodotti e manifatture degli Stati-Uniti, che gli attuali dazi imposti sui seguenti articoli, prodotti del suolo e dell'industria italiano, importati negli Stati-Uniti, sieno sospesi fino a che avrà vigore il presente accordo, ed in loro vece sieno imposti e percepiti i dazi seguenti, e cioè: || — Sui tartari greggi o fecce di vino gregge: cinque per cento ad valorem. || — Sui cognacs od altri spiriti manifatturati o distillati da cereali od altri materiali: un dollaro e settantacinque cents per gallone. ||

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— Sui vini non spumanti ed i vermouths in botti: trentacinque cents per gallone; in bottiglie o brocche, per cassa di dodici bottiglie o brocche contenenti ciascuna non più di un quart e più di un pint, o per cassa di 24 bottiglie o brocche non contenenti ciascuna più di un pint: un dollaro e venticinque cents per cassa. Contenendo le dette bottiglie o brocche una quantità superiore a quelle sopra indicate, sarà imposto all'eccedente un dazio di quattro cents per pint o frazione di pint; ma non sarà percepito nessun dazio distinto o addizionale sulle bottiglie o brocche. || — Sulle pitture ad olio, acquarelli, pastelli, disegni a penna e statuaria: quindici per cento ad valorem.

Art. II.

È reciprocamente convenuto da parte dell'Italia, in considerazione delle disposizioni contenute nel precedente articolo, che, fino a quando rimarrà in vigore la presente Convenzione, i dazi d'applicarsi e riscuotere sulle seguenti merci, prodotti del suolo e dell'industria degli Stati-Uniti, importate in Italia, non eccederanno le cifre specificate qui appresso, e cioè:

	per quintale
— Olii di seme di cotone	L. 21.50
— Pesci marinati o sott'olio, escluso il tonno, conservati in scatole o barili:	
Sardine o acciughe	„ 15.—
Altri	„ 25.—
— Macchine agrarie	„ 9.—
— Parti staccate di macchine agrarie:	
1) in ghisa	„ 10.—
2) di ferro od acciaio	„ 11.—
— Strumenti scientifici:	
a) costruiti in rame, bronzo, ottone e acciaio:	
1) muniti di cannocchiali o microscopi, o di aste o circoli graduati, cannocchiali terrestri, monocoli, binocoli, lenti sciolte o chiuse in armatura	„ 30.—
2) non muniti di alcun strumento ottico, nè di aste, nè di circoli graduati	„ 30.—
b) di ogni specie, nella costruzione dei quali entra con evidente prevalenza il ferro	„ 30.—
— Macchine dinamo-elettriche:	
1) di peso superiore a 1000 kg.	„ 16.—
2) del peso di 1000 kg. o meno	„ 25.—
— Parti staccate di macchine dinamo-elettriche	„ 25.—
— Macchine da cucire:	
1) con sostegni	„ 25.—
2) senza sostegni	„ 30.—
— Vernici non contenenti spirito, nè olii minerali	„ 20.—

I seguenti articoli saranno ammessi esenti da dazio:
— Olio di trementina.
— Concimi naturali di qualsiasi specie.
— Pelli crude, fresche o secche, non buone da pellicceria e da pellicceria.

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Art. III.

Quest'Accordo è sottomesso alla riserva dell'approvazione del Parla ento italiano. Non appena questa avrà avuto luogo e sarà data ufficiale notificazione al Governo degli Stati-Uniti della ratifica di Sua Maestà, il Presidente pubblicherà il suo proclama per dare pieno efferto alle disposizioni contenute nell'articolo I di quest'Accordo. || Dalla data di tale proclama il presente Accordo avrà pieno vigore ed effetto, e continuerà ad averlo fino allo spirare dell'anno 1903, e, se non sarà denunziato da nessuna delle due Parti un anno prima dello spirare di detto termine, esso continuerà ad aver vigore per un anno dopo la data in cui una delle Alte Parti contraenti avrà notificato all'altra la sua intenzione di por termine all'Accordo stesso. || In fede di che, noi plenipotenziari abbiamo firmato il presente Accordo, in doppio originale, nei testi inglese ed italiano, e vi abbiamo apposto i nostri rispettivi sigilli. || Fatto a Washington, li otto del mese di febbraio A. D. mille novecento.

(L. S.) Fava.
(L. S.) John A. Kasson.

Nr. 12263. **GROSSBRITANNIEN und PORTUGAL.** — Schiedsspruch über die Auslegung des Grenzvertrages vom 11. Juni 1891. (Bd. 57. Nr. 10663).]

Florenz, 30. Januar 1897.

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Nous, Paul-Honoré Vigliani, ancien Premier Président de la Cour de Cassation de Florence, Ministre d'État et Sénateur du Royaume d'Italie, Arbitre entre la Grande-Bretagne et le Portugal au sujet des questions relatives à la délimitation de leurs zones d'influence dans l'Afrique Orientale. || Vu la Déclaration signée à Londres le 7 Janvier, 1895, par Lord Kimberley et M. Luiz de Soveral, qui contient l'Acte de Compromis dont la teneur suit: — || Le 11 Juin, 1891, un Traité a été signé entre Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes, et Sa Majesté Très-Fidèle le Roi du Portugal et des Algarves, lequel Traité détermina la question des frontières de leurs possessions et de leurs zones d'influence dans l'Afrique Orientale et Centrale. || L'Article II de ce Traité contient la démarcation de la frontière au sud du Zambèze; c'est-à-dire, du point sur la rive de ce fleuve vis-à-vis de l'embouchure de l'Aroangoa ou Loangwa, jusqu'au point où s'entrecoupent la frontière du Swaziland et le fleuve Maputo. || Des différends ayant surgi à l'égard de la signification de certaines phrases dans le dit Article, les deux Gouvernements ont décidé de

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recourir à l'arbitrage de son Excellence M. Paul-Honoré Vigliani, ancien Premier Président de Cour de Cassation, Sénateur et Ministre d'État du Royaume d'Italie. || Ils ne proposent pas, cependant, que l'arbitrage porte sur toute la ligne indiquée, ci-dessus. || On peut considérer la frontière au sud du Zambèze comme divisée en trois sections: —

1. Du Zambèze jusqu'au 18° 30′ de latitude sud. || 2. Du 18° 30′ de latitude sud jusqu'au point ou le fleuve Sabi et le Lunde, ou Lunte, se rencontrent. || 3. A partir de ce point jusqu'au fleuve Maputo. || Il n'est pas jugé nécessaire de soumettre à l'arbitrage le tracé des sections 1e et 3e ; les différends ne regardent que la 2e section. || Les négociations ont eu lieu à Londres. Le texte du Traité fut rédigé en Anglais et parafé par le Marquis de Salisbury, alors Ministre des Affaires Étrangères, et par M. de Soveral, Ministre du Portugal. Le Traité, ayant été comparé avec le texte parafé à Londres, fut signé à Lisbonne par le Comte Valbom, Ministre des Affaires Étrangères du Portugal, et par Sir George Petre, Ministre de Sa Majesté Britannique à Lisbonne. || La partie de l'Article qui traite de la deuxième section de la frontière est conçue dans les termes suivants: —

„De là" (c'est-à-dire, de l'intersection du 30° de longitude est de Greenwich avec le 18° 30′ parallèle de latitude sud) „elle suit, vers le sud, la partie supérieure du versant oriental du plateau de Manica jusqu'au milieu du chenal principal du Sabi, et elle suit ce chenal jusqu'au point où il rencontre le Lunte. || „Il est entendu qu'en traçant la frontière le long du versant du plateau, aucune partie de territoire à l'ouest de 32° 30′ de longitude est de Greenwich ne sera comprise dans la zone Portugaise, ni aucune partie de territoire à l'est du 33° de longitude est de Greenwich dans la zone Britannique. Toutefois, le cas échéant, la ligne sera détournée de manière à laisser Mutassa dans la zone Britannique et Massi-Kessi dans la zone Portugaise." || Les termes en Anglais et en Portugais sont les suivants: —

. . . . „Thence it follows the upper part of the eastern slope of the Manica plateau southwards of the centre of the main channel of the Sabi, follows that channel to its confluence with the Lunte, whence it strikes direct to the north-eastern point of the frontier of the South African Republic, and follows the eastern frontier of the Republic, and the frontier of Swaziland, to the River Maputo. || „It is understood that in tracing the frontier, along the slope of the plateau, no territory west of longitude 32° 30′ east of Greenwich shall be comprised in the Portuguese

. . . . „D'ahi accompanha a crista da vertente oriental do planalto de Manica na sua direcção sul até á linha media do leito principal do Save, seguindo por elle até á sua confluencia com o Lunde, d'onde corta direito ao extremo nord-este da fronteira da Republica Sul Africana, continuando pelas fronteiras orientaes d'esta Republica e da Swazilandia até ao Rio Maputo. || „Fica entendido que ao traçar a fronteira ao longo da crista do planalto, nenhum territorio a oeste do meridiano de 32° 30′ de longitude leste de Greenwich será comprehendido

sphere, and no territory east of longitude 33° east of Greenwich shall be comprised in the British sphere. ‖ The line shall, however, if necessary, be deflected so as to leave Mutassa in the British sphere, and Massi-Kessi in the Portuguese sphere."	na esphera Portugueza, e que nenhum territorio a leste do meridiano de 33° de longitude leste de Greenwich ficará comprehendido na esphera Britannica. Esta linha soffrerá comtudo, sendo necessario a inflexão bastante para que Mutassa fique na esphera Britannica e Macequece na esphera Portugueza."

Au mois de Juin 1892, les Commissaires des deux Gouvernements ont tâché de tracer la ligne-frontière d'après les stipulations précitées; mais un différend s'est élevé entre eux, le réglement duquel ils ont référé à leurs Gouvernements. Des pourparlers directs entre le Foreign Office et le Ministère des Affaires Étrangères de Lisbonne ont eu lieu; mais, toute entente ayant paru impossible, les deux Gouvernements ont décidé de recourir à l'arbitrage. ‖ Ces pourparlers diplomatiques et les travaux techniques des Commissaires ont laissé la question de la démarcation dans la situation suivante: — ‖ 1. Pour ce qui regarde le territoire compris entre le 18° 30′ parallèle et un point situé à une distance de quelque milles au sud du défilé de Chimanimani, chaque Commissaire a proposé une ligne-frontière, et chaque Gouvernement a adopté la ligne proposée par son Commissaire; d'où il s'ensuivit une divergence de vues qu'on n'a pas encore trouvé moyen de concilier. ‖ 2. Pour ce qui regarde le territoire compris entre un point situé à une distance de quelques milles au sud du défilé de Chimanimani et le 20° 42′ 17″ de latitude sud, le Commissaire Britannique et un Délégué du Commissaire Portugais, pour autant qu'il s'y trouvait autorisé, sont convenus d'une ligne-frontière dont l'examen, par les deux Gouvernements, est resté inachevé. ‖ 3. Pour ce qui regarde le territoire qui s'étend du 20° 42′ 17″ de latitude sud jusqu'au point où se rencontrent les fleuves Sabi et Lunte, aucun projet de démarcation n'a été discuté par les deux Gouvernements. ‖ Dans ces circonstances, les deux Gouvernements sont convenus de prier l'Arbitre de prendre en considération les documents, les comptes rendus des pourparlers, et les résultats des travaux techniques, d'apprécier les arguments des deux Gouvernements à l'appui de leurs opinions respectives, et de se prononcer sur la ligne qui devra séparer la zone d'influence Portugaise en Afrique de celle de la Grande-Bretagne à partir du parallèle 18° 30′ jusqu'au point où se rencontrent le Lunte et le Sabi. ‖ En foi de quoi, les Soussignés, dûment autorisés par leurs Gouvernements respectifs, ont signé la présente Déclaration, qu'ils ont revêtue du sceau de leurs armes.

Fait à Londres, le 7 Janvier, 1895.

(L.S.) Kimberley.
(L.S.) Luiz de Soveral.

Après que nous avons accepté les fonctions d'Arbitre, il a été convenu entre nous et les deux Gouvernements — que les travaux de l'Arbitrage

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auraient lieu à Florence, notre rési ence, et que les actes de l'arbitrage seraient rédigés en langue Française. || Nous avons invité alors les deux Gouvernements à nous présenter chacun de sa part un Mémoire contenant sa demande motivée avec les pièces à l'appui et avec une carte géographique contenant le tracé de la ligne-frontière réclamée par lui; et nous nous sommes réservés de les prier, après l'examen des pièces, d'envoyer auprès de nous des Délégués techniques chargés de nous fournir tous les éclaircissements et les explications utiles pour la pleine connaissance des faits et des lieux concernant les questions à décider. || Pour la rédaction des actes de la procédure et pour les autres travaux de l'arbitrage nous avons nommé notre Secrétaire M. le Marquis Alexandre Corsi, Professeur de Droit International à l'Université de Pise.

Vu et examiné le Mémoire présenté par le Gouvernement de la Grande-Bretagne le 16 Mars, 1896, avec cinq cartes, dont celle indiquée par la lettre D contient le tracé de la ligne de frontière réclamée par la Grande-Bretagne.|| Les conclusions de ce Mémoire sont celles qui suivent:— || Quant à la première section de la frontière contestée: || 1. Que la ligne de partage des eaux qui s'étend entre le bassin du Sabi et ceux du Pungwe et du Busi, laquelle ligne de partage des eaux a été proposée comme frontière par M. du Bocage, a été définitivement rejetée pendant les négociations qui précédèrent la conclusion de la Convention. || 2. Qu'un grand accroissement de territoire a été assigné au Portugal au nord du Zambèze pour le dédommager de l'abandon de ses prétentions à la ligne de partage des eaux. || 3. Que le plateau mentionné dans le IIe Article de la Convention Anglo-Portugaise existe réellement à peu près tel qu'il est marqué sur des cartes publiées avant la conclusion de cette Convention, quoique son escarpement oriental soit çà et là moins clairement défini qu'on ne l'a alors supposé. || 4. Que la demande de la Grande-Bretagne laisse le plateau, conformément à l'intention des négociateurs, dans la zone Britannique et toute la pente qui le rattache à la plaine, dans la zone Portugaise. || 5. Qu'en suivant le bord supérieur du plateau et en traversant les bouches des ravins, la ligne réclamée par le Gouvernement de Sa Majesté Britannique est en harmonie avec le texte de la Convention et est absolument celle prévue par les négociateurs Britanniques et les négociateurs Portugais. || 6. Que le détour fait à Massi-Kessi par la ligne réclamée par le Gouvernement de Sa Majesté Britannique remplit pleinement les conditions requises. || Quant à la deuxième section de la frontière: || 7. Que la ligne agréée par le Major Leverson et le Capitaine d'Andrade est celle qui doit être adoptée. || Quant à la trosième section de la frontière: || 8. Que, jusqu'au point où la frontière touche le Sabi, il faut qu'elle aille vers le sud entre les limites de longitude 32° 30', et de longitude 33° est de Greenwich. || 9. Que la frontière sera égalcment en accord avec le texte et l'esprit de la Convention, soit qu'elle suive le Sabi en amont ou en aval, vu que ce fleuve sert uniquement de moyen par lequel puisse arriver la frontière au confluent du

susdit fleuve avec le Lunte, endroit choisi comme point fixe d'où la ligne continue jusqu'à l'extrémité nord-est de la République Sud-Africaine.

Vu et examiné de même le Mémoire présenté le 10 Juin, 1896, au nom du Gouvernement Portugais avec un volume du Livre Blanc et trois cartes, dont celle marquée par la lettre C contient la tracé de la ligne qu'il réclame.|| Les conclusions de ce Mémoire sont celles qui suivent: — || 1. Que la frontière, depuis le parallèle de 18° 30′ sud jusqu'au défilé de Chimanimani, doit suivre le tracé proposé par le Commissaire Portugais; || 2. Qu'à partir de Chimanimani, vers le sud; cette frontière peut suivre jusqu'à Mapunguana le tracé projeté par le Commissaire Britannique et accepté par le Délégué Technique Portugais Freire d'Andrade; || 3. Qu'entre Mapunguana et le parallèle de 20° 30′ sud environ, le projet de délimitation arrêté entre le Commissaire Britannique et le Délégué Portugais doit être rectifié, la frontière suivant de Mapunguana par le mont Xerinda vers la montagne située, sous le dit parallèle, entre les bassins du Zona et du Chinica; || 4. Que, n'existant plus de plateau au sud du parallèle de 20° 30′ sud, il semble juste et rationnel que, de ce parallèle, la frontière se rende au Save par les monts Mero et Zunone et par la Rivière Lacati, suivant ensuite le cours du Save jusqu'à son confluent avec le Lunde.

Sur notre invitation, les deux Gouvernements ont envoyé à Florence et mis à notre disposition leurs Délégués, savoir: M. le Major Julian John Leverson de la part de la Grande-Bretagne; son Excellence le Conseiller Antoine Ennes et M. le Capitaine Alfred Freire d'Andrade, pour le Portugal.|| Les Délégués des deux Gouvernements, après avoir reçu le 16 et 18 Juin, 1896, communication réciproque de ces Mémoires, et des cartes relatives, dans une série de conferences qui ont eu lieu auprès de nous, et dont il a été dressé procès-verbal, nous ont exposé largement les circonstances et les arguments à l'appui des demandes de leurs Gouvernements respectifs; et par leurs discussions, ils nous ont fourni les éclaircissements et les explications les plus soigneuses et détaillées, que nous avons jugé utile de leur demander, sur les doutes et les difficultés que la nature et la configuration inattendue du plateau montagneux et irrégulier de Manica opposent à une application exacte et littérale du texte de l'Article II de la Convention du 11 Juin, 1891, au territoire qu'il s'agit de délimiter. || Dans le cours de ces discussions, nous furent présentées le 9 Juillet, 1896, des „Observations sur le Mémoire Britannique" par MM. Ennes et d'Andrade, et des „Notes sur le Mémoire Portugais" par Mr. Leverson, et puis encore des „Observations sur le Contre-Mémoire-Britannique" par M. d'Andrade, aussi bien que des répliques manuscrites produites d'un côté et de l'autre des cartes et des profils démonstratifs rédigés avant la clôture des conférences par M. d'Andrade, et une carte topographique présentée le 14 Juillet par Mr. Leverson pour modifier deux petites parties de la première section de la frontière réclamée par son Gouvernement.|| Enfin, après la clôture des conférences, le 17 Août Mr. Leverson nous a

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remis ses „Obervations finales," de même que M. Freire d'Andrade nous a fait parvenir sous la date du 21 Août, 1896, ses „Conclusions". Toutes les productions imprimées ont été notifiées par notre Secrétaire à chacun des Délégués, de manière que l'échange de chaque pièce d'une partie à l'autre a été, autant que possible, contemporaine. Les manuscrits et les cartes ont été mises en même temps à leur disposition.

I.— *Questions Préalables.*

Dans l'étude des documents et dans les discussions, des questions préalables se présentèrent d'abord à notre examen. Elles se rapportent au texte du Traité du 11 Juin, 1891. || Il résulte de l'Acte de Compromis, que ce Traité fut rédigé premièrement en Anglais et parafé le 14 Mai, 1891, par le Marquis de Salisbury, Ministre des Affaires Étrangères de la Grande-Bretagne, et par M. de Soveral, Ministre Plénipotentiaire du Portugal à Londres; qu'ensuite le texte Portugais ayant été comparé avec le texte Anglais parafé à Londres, il fut signé dans le double texte Anglais et Portugais à Lisbonne par le Comte de Valbom, Ministre des Affaires Étrangères du Portugal, et par Sir George Petre, Ministre de Sa Majesté Britannique à Lisbonne le 11 Juin, 1891. || Ces circonstances se trouvent confirmées par les Mémoires des deux Gouvernements. (Voir Mémoire Anglais, 1[re] Partie, et Mémoire Portugais, page 48.) Il n'a été nulle part déclaré lequel des deux textes, l'Anglais ou le Portugais, doit être considéré comme l'original du Traité. || Il en suit que chacun des deux textes contenus dans le Protocole signé à Lisbonne le 11 Juin, 1891, peut aspirer à l'honneur d'être considéré l'original: tandis que le texte Anglais parafé à Londres constitue proprement la première „Minute". En tout cas, on ne peut mettre en doute que chacun des deux doit servir également à l'interprétation du Traité. || Au double texte de l'original on vient d'ajouter une version Française de l'Article II du Traité insérée dans l'Acte de Compromis, l'usage de cette langue ayant été convenu pour les actes de l'arbitrage. Mais comme à la suite de cette traduction Française on y trouve reproduit le double texte Anglais et Portugais du même Article II, on doit croire que les Hautes Parties ont considéré cette version en tout point conforme au double texte de l'original. || Néanmoins, l'emploi de deux langues dans la rédaction du même acte pouvait facilement engendrer, ainsi qu'il est arrivé, notamment dans le monde scientifique à Lisbonne, des doutes et des divergences dans son interprétation; et cela a été une des causes principales de la nécessité de recourir à l'arbitrage (Mémoire Britannique, § 1). || On s'est demandé principalement: (1) quelle a été la portée de la dénomination de „plateau de Manica"; (2) quelle était la signification des mots, „la partie supérieure du versant oriental" („the upper part of the eastern slope" — „a crista da vertente oriental"); (3) qu'est-ce qu'on a entendu par le mot de „plateau," lorsqu'on l'a opposé aux mots de „pente" ou „versant"; (4) si ces derniers mots „pente" et „versant" ont été employés

comme synonymes, quelle est la surface (table, terrasse, ou esplanade) du plateau proprement dit; quelle en est la pente ou le versant, et quel le bord, ou l'escarpement; (5) si l'expression „vers le lud" de la version Française équivaut à celle de „southwards" du texte Anglais, et de „na direcção sul" du texte Portugais, et si ces trois expressions signifient la direction exacte du sud, ou simplement à peu près vers le sud entre l'est et l'ouest; (6) enfin, si la phrase „suit ce chenal" (du Save) signifie indistinctement suivre ce fleuve en aval ou en amont, ou bien, si elle doit nécessairement signifier le suivre en aval. || Tous ces doutes, et les disputes dont elles furent l'objet, ont eu leur retentissement devant l'Arbitre au moyen des Mémoires des deux Parties et dans les discussions de leurs Délégués. Mais on peut heureusement affirmer que, après de loyales explications, ces doutes désormais ont perdu toute importance. || En effet, les Parties ont été amenées par leurs déclarations à reconnaître, que par la dénomination de „plateau de Manica" les négociateurs de la Convention de 1891, en laissant de côté les définitions beaucoup plus restreintes des géographes, ont eu l'intention bien claire et concorde de comprendre non seulement le district administratif de Manica, borné par les fleuves Munene et Sucuwa, mais tout le territoire qui s'étend, au sud du Zambèze, depuis le parallèle 18° 30′ jusqu'au confluent de Save avec le Lunte, savoir toute la région dont la délimitation a été tracée par la Commission Anglo-Portugaise, et qui forme l'objet de discussion devant l'Arbitre. || C'est en réalité à toute l'étendue de ce territoire, composé d'une suite de hautes terres jointes à l'ancien plateau de Manica, que les cartes géographiques publiées dans les deux pays intéressés, à l'époque où le Traité a été stipulé, ont appliqué la désignation de „plateau" de Manica, se rapportant soit au texte de l'Article II, soit à l'intention des négociateurs.

Le Gouvernement Portugais dans son Mémoire (page 70) avec une loyauté qui l'honore, a fait cette déclaration:— || „Il est donc incontestable que le négociateur Portugais avait admis que le plateau ne terminait pas au parallèle de 19°; et si son projet du 19 Avril ne l'eût prouvé avec assez d'évidence, la démonstration en serait complétée par les instructions télégraphiques qu'il transmit plus tard au Ministre à Londres, et qui ont été publiées dans le Livre Blanc de 1891, page 196, document No. 260. Cette pièce, à elle seule, tranche la question. 'Comme dernière tentative,' disait M. du Bocage, 'il convient de proposer encore: partager le plateau par le parallèle de 20°, en nous laissant à nous la partie méridionale.' Quel était ce plateau, qui atteignait le parallèle de 20° et le dépassait encore vers le sud? Évidemment c'était celui de Manica, puisqu'il n'a jamais été question d'aucun autre, pendant la durée des négociations.“ || Cette franche déclaration, qui se trouve raffermie dans le Mémoire Portugais par d'autres observations et raisonnements d'une grande valeur, ne permet plus de douter que le plateau de Manica auquel se rapporte le Traité de 1891 n'est nullement le petit pays de Manica des anciens géographes, mais il embrasse toutes les

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hautes terres comprises entre le parallèle 18° 30′ et le confluent du Save avec le Lunte; c'est-à-dire tout l'ancien royaume ou plateau de Manica réuni avec le plateau couvert d'herbe, et avec l'autre de 2000 à 4000 pieds au-dessus du niveau de la mer, qu'on remarque à la suite du plateau de Manica sur la Carte de M. Maund, qui a été certainement sous les yeux des négociateurs (Mémoire Britannique, § 20). || Quant à la vraie signification de la phrase „partie supérieure" („the upper part" — „a crista") du versant oriental, les Parties sont facilement tombées d'accord, qu'elle ne peut avoir dans le Traité d'autre sens que celui de la ligne, le long de laquelle, et d'une façon générale et bien marquée, le plateau commence à descendre vers la plaine; où bien, c'est le bord supérieur qui sépare la table (ou surface) du versant (ou pente) du plateau, et non pas la partie supérieure du versant du plateau au-dessus de la ligne moyenne de sa plus grande altitude. C'est précisément sur cette ligne ou sur ce bord que la frontière doit être tracée (Mémoire Britannique, § 21, et notes du Délégué Britannique, § 19—Mémoire Portugais, pages 71, 72, et 73). Le mot „il suit" („it follows"—„accompanha") perdrait sa signification propre, si au lieu de se rapporter à une ligne qu'on doit longer autant que possible il se rapportait à une zone susceptible, à son tour, d'être délimitée par d'autres bornes. || Cette interprétation, conforme certes à l'esprit de la Convention, identifie les deux textes et fait disparaître toute différence entre les expressions „upper part" et „crista" du versant; elles ne peuvent exprimer, et n'expriment en effet, autre chose qu'une ligne, et cette ligne ne pourrait être que celle qui sépare la table de la pente, ou le versant du plateau. || Les disputes sur la signification des mots: „plateau", „terrasse", ou „explanade du plateau — bord ou escarpement" du plateau — ont été terminées par les définitions qu'on en a données et qui ont été admises de part et d'autre. || Ainsi le Délégué Portugais, M. le Capitaine d'Andrade, nous a donné une exacte et complète définition applicable en général à tous les plateaux en ces termes: „Une vaste étendue de terrain qui domine d'une manière nettement définie, et sur un ou plusieurs côtés, les régions qui l'environnent, et qui est réunie à ces régions par des versants dont l'inclinaison est plus forte que celle du plateau lui-même." Une définition semblable avait été proposée par le Délégué Britannique dans son Mémoire (§ 37) d'après l'autorité de l'illustre géographe M. Élysée Réclus. Et les autres écrivains plus distingués dans cette matière ne s'en éloignent pas. || Il n'est donc pas nécessaire, d'après la géographie moderne, que la surface du plateau soit une plaine unie et régulière, ainsi que son nom semble l'indiquer. Mais elle peut être, et même elle est souvent, inégale, irrégulière, accidentée, hérissée de montagnes, de pics et collines, traversée par des vallées, déchirée par de profonds ravins, sillonnée par des fleuves et des rivières, dont quelques-unes ne sortent point de sa surface, ou table, d'autres se déversent le long des versants et sont nécessairement entrecoupées par les bords des versants mêmes. || Telle est la configuration du plateau nommé de

Manica. Il est connu comme un des plus irréguliers et des plus montagneux. M. Réclus suivant la description de l'ingénieur Kuss, qui a exploré récemment cette région et à qui se rapportent aussi les Mémoires des deux Parties, nous apprend que c'est un groupe de montagnes, ayant l'aspect d'un plateau (E. Réclus, „La Terre", Paris, 1888, vol. xiii, pages 618 et 619). || Chaque plateau a sa table ou esplanade, et sa pente ou versant. || On s'accorde à appeler table ou esplanade tout le terrain qui, quoique incliné et inégal à cause de l'existence de montagnes ou de collines, maintient toutefois une hauteur à peu près constante et uniforme sur le niveau des terres environnantes, et où les eaux coulent, plus ou moins rapidement sur la surface plus ou moins inclinée, dans leur direction naturelle pour s'y arrêter et former quelquefois des lacs, ou pour se verser plus souvent le long des versants. || On considère comme pente ou versant du plateau (ces deux derniers mots ayant été employés comme synonymes), tout le terrain fortement incliné qui relie la table du plateau à la plaine adjacente. Le plateau, en effet, d'après sa définition plus correcte, pouvant être incliné aussi d'un côté que de l'autre, il est évident qu'une inclinaison quelconque ne suffit pas à déterminer le commencement de la pente, mais il faut qu'elle soit bien marquée et générale. || La ligne qui sépare la table du plateau de son versant, c'est-à-dire celle qui marque la fin de la table et le commencement de la pente ou du versant, prend le nom de „bord" ou „crête du versant". Entendu dans ce sens, „la partie supérieure du versant", dont parle l'Article II du Traité, est un synonyme des mots „upper part of the slope", ou „crista da vertente". || L'expression Anglaise „southwards", qu'on lit dans le même Article, ne doit pas être entendue dans le sens qu'elle signifie constamment la direction précise du sud, mais plutôt dans le sens large de direction du côté sud, ou à peu près vers le sud. Dans ce sens elle est acceptée par les deux Parties et elle s'adapte parfaitement au dit Article; d'après lequel la frontière depuis le parallèle 18° 30' jusqu'au Sabi, renserrée entre le 32° 30' et le 33° de longitude, devant suivre les inflexions sinueuses du bord du versant oriental du plateau, elle ne peut se diriger en ligne droite au sud, mais elle doit se plier tantôt à sud-est, tantôt à sud-ouest. (Voir Mémoire Portugais, page 82, et notes Leverson, No. 31.) || Quant à la dernière question, celle de savoir si lorsque dans une Convention de délimitation on dit: suivre un cours d'eau, on doit nécessairement entendre: le suivre en aval, comme les deux Parties continuent à se trouver en désaccord, nous nous réservons de la résoudre dans la dernière partie de notre décision. || Ayant ainsi éliminé les questions que nous avons qualifié préalables, nous allons examiner les deux lignes de frontière réclamées par chacune des Parties.

II.— *Conditions Générales de la Frontière suivant l'Article II du Traité.*

Nous devons avant tout reconnaître, quelles sont les règles établies par la Convention du 11 Juin, 1891, pour la délimitation du Manica. || L'Article II

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de cette Convention dispose que: la frontière en partant de l'intersection du 33° longitude est de Greenwich avec le parallèle 18° 30′ de latitude—|| (*a.*) Suit vers le sud la partie supérieure du versant oriental du plateau de Manica; || (*b.*) Jusqu'au milieu du chenal principal du Sabi; || (*c.*) Puis elle suit ce chenal jusqu'au point où il rencontre le Lunde; || (*d.*) En traçant la frontière le long de la pente du plateau, aucune partie de territoire à l'ouest du 32° 30′ de longitude est de Greenwich ne sera comprise dans la zone Portugaise, ni aucune partie de territoire à l'est du 33° du longitude est de Greenwich dans la zone Britannique; || (*e.*) Le cas échéant, la ligne sera détournée de manière à laisser Mutassa dans la zone Britannique et Massi-Kessi dans la zone Portugaise. || Le résultat final de la délimitation doit être, que tout le plateau, savoir la table ou l'esplanade, soit attribué à la Grande-Bretagne, et toute la pente, ou le versant oriental, soit réservé au Portugal. || Cette règle fondamentale ne se trouve pas écrite dans le Traité; mais elle a été admise par ceux qui l'ont rédigé comme une conséquence naturelle et comme une condition essentielle et nécessaire, ainsi que M. le Marquis de Salisbury l'a déclaré par une formule nette et charactéristique dans sa réponse à M. de Soveral le 22 Avril, 1891: „Le plateau pour nous" (la Grande-Bretagne) „et la pente pour vous" (le Portugal). || Cette réponse a été transmise par M. de Soveral dans sa dépêche du 22 Avril à son Gouvernement, qui en a pris connaissance (voir Livre Blanc Portugais de 1891, page 188) et qui, non seulement n'a pas protesté contre cette proposition, mais il n'a pas même suggéré des expressions qui prouvent qu'il avait des intentions différentes. || En outre, comme la Société Géographique de Lisbonne, quelque temps après, avait soulevé des doutes à cet égard, M. le Conseiller Ennes, Commissaire Portugais pour le réglement des questions relatives à la Convention, s'est chargé de les dissiper en déclarant dans une lettre qu'il adressa le 25 Janvier, 1894, au Président de la même Société (voir Mémoire Britannique, § 19) que: „l'idée était de faire la partition du Manicaland de façon que le plateau, ou à mieux parler, l'esplanade, resterait dans la zone Britannique, tandis que la pente serait dans la zone Portugaise". || Il ne reste donc aucun doute que la formule „le plateau à la Grande-Bretagne et la pente au Portugal" a été clairement admise comme une règle directive pour la délimitation du Manicaland selon le Traité de 1891. || Or, nous allons voir comment ces règles ont été appliquées et interprétées par les deux Gouvernements. || Ce que nous avons dit de la configuration montagneuse et irrégulière du haut massif à qui on a donné le nom de plateau de Manica, et la circonstance que les personnages qui en réglaient de Londres et de Lisbonne la délimitation, n'en pouvaient avoir qu'une connaissance bien vague et imparfaite, peuvent suffire à expliquer le grave désaccord survenu lorsqu'il s'est agi d'appliquer l'Article II du Traité à des terrains qui présentaient à chaque pas des surprises, des inconnues, et des conditions topographiques bien éloignées de l'attente et de la supposition, soit des auteurs du Traité, soit de la Commission de Délimitation. || Le plus

grand esprit de conciliation à peine aurait pu suffire à vaincre toutes les causes de divergence. Ce bon esprit, il faut l'avouer, n'a pas fait complètement défaut; et on peut en remarquer les effets dans la partie, qui n'est pas petite, de la ligne de démarcation qui a été concordée entre le Major Leverson et le Capitaine Freire d'Andrade. Toutefois le désaccord, malgré de longs pourparlers, subsiste dans la première et la plus importante partie de la frontière, ainsi que dans d'autres. || Aussi, pour résoudre tous les points de question qui ont surgi, nous allons suivre l'ordre indiqué dans l'Acte de Compromis. Nous partagerons donc la ligne-frontière soumise à notre arbitrage en trois sections, savoir:— || 1. De l'intersection du parallèle 18° 30′ avec le 33° longitude est de Greenwich jusqu'à un point situé sur ce méridien à une distance de quelques milles au sud du défilé de Chimanimani. Dans cette section chaque Gouvernement a adopté la ligne proposée par son Commissaire dans les travaux de délimitation et il l'a réclamé devant l'Arbitre; || 2. De l'extrémité méridionale de la première section jusqu'au point où le bord du versant du plateau coupe le 32° 30′ longitude est de Greenwich. Cette section ayant été concordée entre les Commissaires des deux Gouvernements, la Grande-Bretagne demande qu'elle soit adoptée entièrement. Le Portugal n'accepte la ligne concordée qu'en partie; pour le reste il propose une nouvelle ligne. || 3. Du point où termine la deuxième section, jusqu'au confluent des fleuves Save et Lunde. Pour cette troisième section aucun projet de démarcation n'ayant été discuté entre les Parties, la Grande-Bretagne dans son Mémoire réclame une ligne qui irait vers le sud jusqu'au centre du chenal principal du Save et puis suivrait ce chenal en amont jusqu'à son confluent avec le Lunde. La direction dans laquelle la ligne devrait être tracée, est laissée à la décision de l'Arbitre, mais elle ne devrait en aucun cas dépasser à l'ouest le 32° 30′ et à l'est le 33° de longitude. Le Portugal refuse cette ligne et en réclame pour des raisons spéciales une autre qui, en s'écartant des règles établies par le Traité, irait vers l'ouest jusqu'au Save. || Aucune carte géographique n'a été annexée au Traité, ni au Compromis. Et, de notre avis, il n'y en a aucune qui puisse être adoptée comme preuve sûre et complète des intentions des négociateurs du Traité. || Pas même la carte publiée par M. Maund dans les „Proceedings of the Royal Geographical Society", produite par l'Angleterre sous la lettre A, et qui fait l'objet de sa troisième conclusion, ne pourrait être considérée comme une carte reconnue exacte, sourtout dans ses détails, pendant les négociations. || Enfin, pendant la procédure de l'arbitrage, on n'a produit aucune carte qui ait été reconnue entièrement exacte par les deux Parties. Elles ont beaucoup discuté sur l'importance et l'exactitude de leurs cartes; mais malheureusement ces discussions n'ont abouti à une conclusion bien arrêtée sur la valeur qu'on peut attribuer à l'une plus qu'à l'autre dans les différents traits de la frontière. || C'est un inconvénient des plus regrettables; car, au défaut d'une base solide et constante pour la discussion, nous sommes obligés à suivre minutieusement

les deux Parties sur le terrain des arguments qu'elles ont produit, et à rechercher, section par section, les intentions des négociateurs, pour les coordonner avec le texte du Traité, et avec les faits qui résultent établis par l'examen comparé que nous avons fait de ces cartes différentes, et par les observations impartiales d'un tiers expert.

III.—*Première Section de la Frontière.*

En entreprenant l'examen des lignes réclamées par les Hautes Parties dans la première section, nous observons d'abord que dans cette section (qui est la plus importante et la plus contestée en vue de la valeur qu'on attache à ce territoire), les deux Gouvernements n'ayant réussi à se mettre d'accord, ni pendant, ni après les travaux des Commissaires pour la délimitation, ils réclament maintenant des lignes tout à fait différentes, et très éloignées l'une de l'autre. || En effet, la Grande-Bretagne réclame une ligne qui, d'après la définition donnée par le Commissaire Britannique dans un premier Mémorandum du 29 Avril, 1893 (Mémoire Portugais, page 38) „est en quelques endroits la ligne des crêtes des montagnes, et en d'autres la ligne qui unit les sommets des pics orientaux des chaînes qui s'allongent vers l'est de la ligne principale de partage des eaux", et plus spécialement, quant au trait entre le mont Vumba et les montagnes Mabata, le Commissaire Britannique déclare que sa frontière „est une ligne courant presque directement vers le sud, et unissant les bords des contreforts montagneux qui s'avancent dans une direction orientale". (Voir Procès-verbal, 27 Juin, 1892, reproduit dans le Mémoire Portugais, page 22.) || Les montagnes principales que la ligne Britannique atteint depuis le parallèle 18° 30′, sont celles de Panga, Gorongue, Shuara, Vengo, Saddle-Hill, Vumba, un pic au nord du fleuve Mazongue (2350 p.), un autre pic sur le Mussapa R. (5100 p.) et le col de Chimanimani. Tous ces points de différentes hauteurs sont réunis par des lignes droites, que le Commissaire Britannique justifie par l'observation, que les lignes droites entre des points naturels bien marqués forment, à son avis, une bonne frontière pratique. || Le Commissaire Portugais objecte à cette ligne:— || 1. Qu'elle n'est pas une ligne naturelle, elle ne suit aucun bord marqué sur le sol, ni un accident quelconque du terrain, qu'elle est toute artificielle, tracée à la règle sur la carte, et non d'après la nature du plateau. || 2. Qu'elle n'atteint pas le sommet des montagnes où elle passe, mais elle traverse les bords des contreforts qui s'étendent à l'est plus que la masse générale du plateau, et par une conséquence nécessaire elle passe sur le versant oriental. || 3. Qu'en traçant des lignes droites qui lient des contreforts ou éperons des montagnes ou des pics, elle coupe plusieurs cours d'eau, des bouches de ravins, et des vallées larges et profondes, comme celle de l'Inhamucarara; qu'aussi elle n'est pas continue, tandis qu'elle s'avance souvent sur le versant, et elle descend parfois aux terres basses, notamment entre Vumba et Chimanimani. || 4. Qu'une telle ligne ne peut pas être conforme à l'Article II du Traité qui veut une ligne naturelle, tracée le long de la partie supérieure, ou du bord du versant du plateau. || 5. Qu'une ligne droite

peut bien être abstraitement, et en règle générale une bonne frontière pratique, mais elle n'est pas admissible dans le cas qu'une autre direction soit déterminée par üne Convention. || 6. Qu'enfin le détour que la ligne fait pour comprendre Massi-Kessi dans la zone Portugaise, ne laisse pas autour de ce village, selon l'esprit de la Convention, un territoire suffisant au développement de sa vie commerciale et industrielle, ainsi qu'à sa défense militaire. || Après que ces objections ont été produites, le Délégué Britannique, par une carte qu'il a présentée dans la Conférence du 14 Juillet, et contresignée sous cette date, a introduit dans sa ligne deux petites modifications, dont l'une élève sur le parallèle 18° 30′ le point de son départ pour monter au sommet du contrefort septentrional du mont Panga, et l'autre supprime entre le mont Shuara et le mont Vengo le détour vers Shiromiro qui ne résultait pas justifié. || La ligne Portugaise suit une direction tout à fait différente. Elle est tracée sur la crête des hautes montagnes qui forment le partage des eaux entre le bassin du Save et les bassins du Pungwe et du Busi, et, partant du mont Samanga, elle suit le partage des eaux jusqu'à Chimanimani. Le Commissaire Portugais soutient que cette ligne coïncide avec le bord du versant oriental du plateau; la table, ou l'esplanade, resterait ainsi à l'ouest, et le versant à l'est, de la ligne de partage des eaux. || Il observe, en outre, que la frontière réclamée par le Portugal passe par les plus hauts points du plateau sans se plonger dans des vallées, ni les couper ainsi que leurs rivières; qu'à l'est de cette ligne le terrain s'affaisse et de nombreux cours d'eau en découlent vers la plaine avec une rapidité parfois torrentielle; que c'est justement la déclivité du sol et la direction des rivières, qui déterminent le commencement de la pente et le bord du versant. || La Grande-Bretagne oppose à la ligne de partage des eaux les raisons suivantes:— || 1. Elle a le vice de confondre la crête la plus élevée du plateau avec le bord de son versant, en supposant qu'on ne puisse trouver ce bord que lorsqu'on arrive au sommet de ses plus hautes chaînes de montagnes; tandis que toutes les chaînes de montagnes du Manica, qu'elles soient tournées à l'est ou à l'ouest, forment partie du plateau montagneux. || 2. Le pays immédiatement à l'est de la ligne de partage des eaux étant composé de chaînes de montagnes, et sillonné par des rivières et par des vallées profondes, suivant la nature d'un plateau montagneux, ne représente pas un versant dont il n'a pas les caractères. Il est vrai qu'on y voit couler des cours d'eau plus ou moins rapides; mais la grande irrégularité et inégalité de la table du plateau suffit à expliquer le cours plus ou moins rapide de ses rivières, et à démontrer qu'elles parcourent encore la table ou surface du plateau avant d'arriver au bord, qui nécessairement les entrecoupe. De même, comme il est question ici d'une table montagneuse, on conçoit sans peine qu'elle ait une certaine déclivité, avant d'arriver au commencement de la pente, ou au versant, que l'on ne doit reconnaître que par une déclivité bien marquée et générale. || 3. Ce qui est plus essentiel, le partage des eaux comme frontière n'est nullement conforme au texte de la Convention, qui n'en fait aucune

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mention, pas même indirectement. Le silence de la Convention sur un point si important a la plus grande valeur; car il faut considérer que le partage des eaux est une ligne de frontière si usuelle et préférable dans un pays montagneux, que si les Hautes Parties avaient voulu l'admettre, elles en auraient fait une mention explicite, ainsi qu'elles l'ont fait dans l'Article I de la même Convention, où le partage des eaux est mentionné comme frontière en quelques points au nord du Zambèze. || Mais il y a plus que le silence de la Convention; il y a refus formel de la Grande-Bretagne. Pendant le cours des négociations la ligne de partage des eaux fut proposée comme ligne de frontière par le projet que M. du Bocage, Ministre du Portugal, présenta le 19 Avril, 1891; et elle fut refusée par M. le Marquis de Salisbury, Ministre Britannique, qui insista sur son projet du 3 du même mois, contenant la proposition du bord du versant est comme ligne de frontière. Ce refus suffit à exclure la possibilité que M. le Marquis de Salisbury, au moment de la conclusion du Traité, ait considéré comme identiques la ligne de partage des eaux, et le méridien 33°. Car entre ces deux lignes (quelle que soit l'idée exprimée par méprise dans la dépêche de Lord Salisbury du 4 Février, 1891) il existe une distance de plusieurs milles. || En sorte que le Portugal invoque inutilement les expressions contenues dans ce document, d'autant plus qu'il a repoussé la proposition de suivre approximativement le 33e degré de longitude est, qui était l'objet principal de la conversation rapportée dans la dite dépêche du 4 Février. || Il faut observer, en outre, que c'est précisément pour assurer à la Grande-Bretagne la bande de terrain entre la ligne de partage des eaux et la ligne du bord du versant oriental que Lord Salisbury a porté de 18,000 à 60,000 kilom. carrés, la compensation ou le dédommagement proposé au nord du Zambèze au Portugal, qui l'a accepté (Mémoire Britannique, No. 17). || 4. Si on admet avec le Portugal que toute la partie du plateau de Manica qui se trouve à l'est du partage des eaux soit un versant oriental, on doit également appeler versant occidental la partie située à l'ouest de cette ligne de partage, vu qu'elle coupe en deux la table montagneuse qui s'étend aussi bien à l'ouest qu'à l'est. Il en découlerait la conséquence absurde que le plateau de Manica n'aurait point de table, puisqu'elle serait absorbée par les deux versants. || Le Portugal a toujours fondé sa défense sur l'existence d'une grande étendue de terrain à l'ouest de la ligne de partage des eaux, se rapportant à ses cartes qui présentent la Rivière de l'Odzi dans le Détroit de l'Umtali (Mutari Port) à la distance de 40 kilom. de cette ville. Mais au cours des discussions M. le Major Leverson a fait constater, et M. le Capitaine Andrade n'a pu contester, que l'Odzi n'est séparé de l'Umtali que par une distance à peu près de 15 kilom. (Observations finales de M. le Major Leverson, note au No. 7.) || L'étendue du plateau à l'ouest de la ligne de partage n'est donc pas aussi considérable, et cette ligne n'est qu'une crête centrale du plateau, dont la table doit nécessairement s'étendre des deux côtés aussi bien à l'est qu'à l'ouest.

IV. — *Examen du Rapport du Tiers Expert.*

En présence d'un tel désaccord sur l'intelligence et sur l'exactitude des cartes présentées par les deux Parties — en vue de la gravité des arguments d'un caractère essentiellement technique, que l'un et l'autre en déduisait — tous nos efforts pour rendre possible un arrangement aimable étant restés sans effet — pour mieux assurer notre conscience, nous avons reconnu l'extrême convenance de recourir, avec le consentement des deux Parties, à l'avis d'un Expert spécialement compétent en matière de géographie et de topographie. || A cet effet nous nous sommes adressés à la Direction de l'Institut Géographique Militaire d'Italie, siégeant à Florence, et suivant la proposition qu'elle nous à faite, nous avons nommé Expert M. le Chevalier Raphaël Vinaj, Major d'État-Major, Chef de la Division Topographique du dit Institut. Nous lui avons communiqué toutes les pièces et les cartes présentées au nom des deux Parties, aussi bien que les procès-verbaux des Conférences, et nous lui avons soumis les questions suivantes: || Quelle est depuis l'intersection du parallèle 18° 30′ avec le 33° longitude est de Greenwich jusqu'au col de Chimanimani, la ligne de frontière qui suit la partie supérieure du versant oriental du plateau de Manica selon l'Article II du Traité de Délimitation du 11 Juin, 1891? Est-elle en tout, ou en partie, la ligne tracée sur la Carte D du Gouvernement Britannique? Est-elle en tout, ou en partie, la ligne tracée sur la Carte C du Gouvernement Portugais? Est-elle en tout, ou en partie, une autre ligne? || Dans ce dernier cas, quelle est la ligne, qui par rapport à l'une et à l'autre des dites cartes, devrait être tracée pour être conforme à l'Article II du Traité du 11 Juin, 1891? || En lui proposant ces questions, par notre lettre du 10 Octobre, 1896, nous l'avons invité à tenir présent ce qui suit: — || 1. Que la ligne de partage des eaux, ayant été proposée par le Portugal et refusée par la Grande-Bretagne pendant les négociations, et n'ayant pas été admise dans le texte du Traité elle ne pourrait être approuvée comme ligne de frontière établie d'accord par les Hautes Parties, si ce n'est que, et pour autant qu'il résulterait qu'elle coïncide avec la partie supérieure du versant oriental et avec les autres prescriptions de l'Article II du Traité. || 2. Que par les documents échangés pendant les négociations il résulte avoir été consenti par les Hautes Parties que la délimitation se fît de manière que, suivant l'expression de Lord Salisbury, le plateau restât à la Grande-Bretagne et la pente au Portugal. || L'Expert ayant soigneusement rempli son mandat, en date du 19 Décembre, 1896, il nous a remis un Rapport qui nous a prouvé combien étaient fondés les doutes que nous avions conçus sur la justesse de chacune des lignes réclamées, en égard au texte du Traité et aux intentions déclarées des Parties. || Nous croyons devoir en rendre compte en détail pour en apprécier les conclusions. || Après avoir examiné avec la plus grande diligence les divers caractères que peuvent avoir les plateaux, les versants supérieurs et inférieurs (appelés par les géographes couchés ou debout) et leurs escarpements, et les différentes acceptions de ces mots dans la science, dans

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l'étude pratique des terrains et dans les actes soumis à l'arbitrage, — M. le Major Vinaj pose comme base de son vote les quatre postulats, ou principes géographiques, qui suivent: — || 1. La partie supérieure, ou table d'un plateau, ainsi que, dans le sens le plus large du mot, l'envisagent les géographes modernes, peut réussir d'autant plus irrégulière, qu'elle est plus étendue, cest-à-dire, qu'elle peut comprendre des pics, des montagnes, et des chaînes montagneuses, et être sillonnée par des vallées, et même par de profonds ravins. || 2. La séparation entre la partie supérieure, ou table, d'un plateau et ses versants (pris dans le sens des surfaces qui unissent le plateau à la région basse, c'est-à-dire cette partie du versant général, qui est distingnée par le nom de versant debout) peut en général être constituée par une ligne (bord, ou crête plus ou moins marquée) à partir de laquelle le terrain s'affaisse plus rapidement et d'une manière bien définie vers la région inférieure. || 3. Cette ligne peut être discontinue à cause des vallées, ou des ravins, produisant de vraies entailles, qui seraient le prolongement de celles, ou de ceux qui sillonnent le plateau. || 4. La surface qui constitue le versant n'est pas nécessairement toujours unie et régulière, mais elle peut aussi être composée de terrains divers, formés soit par des chaînes transversales au cours longitudinal du bord du plateau, soit par des vallées et chaînes parallèles, qui s'abaissent toutefois graduellement; et cette variété de versants réguliers ou irréguliers peut se trouver dans le même plateau, notamment s'il a une étendue considérable. || Ensuite M. le Major Vinaj, passant à examiner les questions qui lui ont été adressées, adopte sur la première question les conclusions, qu'il dit concordes, des deux Commissaires d'après lesquelles la frontière doit suivre la ligne qui constitue le bord, ou la crête, qui indique la séparation de la table du plateau de son versant oriental. || C'est dans la recherche de cette ligne de séparation que le désaccord entre les deux Commissaires se manifeste. Il faut donc examiner partie par partie les deux lignes réclamées. Les raisons qui justifient cette opinion ayant été longuement développées et discutées par les Commissaires dans leurs productions écrites et dans les Conférences orales, il se borne à résumer celles qu'il juge les plus graves. || A l'égard de la ligne Britannique modifiée, il observe que, sauf son premier trait à partir du 18° 30' jusqu'au mont Venga, et le dernier trait tout près de Chimanimani, elle est presque une ligne artificielle, qui n'est justifiée que par la préférence que le Commissaire Britannique accorde aux lignes droites entre des points naturels bien définis. || Mais cette préférence n'ayant pas été consacrée par un accord, qui aurait été autorisé par l'Article VII du Traité, on doit se borner à voir si elle est conforme à son Article II. Et il est d'avis qu'elle ne l'est pas, parce qu'elle ne suit aucun accident naturel topographique, tel que le bord du versant; mais joignant en ligne droite des points qui s'avancent, parfois considérablement, sur la surface qui s'abaisse et forme le versant, elle coupe souvent ce dernier et descend même quelquefois dans la région qu'on peut dire des terres basses au-dessous du plateau. Il en déduit, que la ligne

Britannique entre le mont Venga et la hauteur signée par la cote de 5100 ps. sur la rive gauche du Petit Mussapa (Carte D) n'est pas conforme à l'Article II du Traité.

Quant à la ligne Portugaise, l'expert remarque qu'elle suit constamment dans son parcours, exceptée la partie au nord modifiée (voir les procès-verbaux des Conférences du 13 et 14 Juillet) la crête d'une chaîne qui forme le vrai partage des eaux dans toute la région de cette section. En général, le bord d'un plateau ne coïncide point avec la ligne de partage des eaux, ainsi qu'il résulte de la définition même du plateau qui a été donnée par M. le Capitaine d'Andrade (voir ci-dessus le § 1, questions préalables), sauf dans le cas que, depuis la ligne de partage des eaux, le terrain s'abaisse d'une manière marquée et presque uniforme, ou bien, qu'il s'abaisse graduellement, même avec des courts éperons détachés, ou avec des chaînes et des vallées parallèles, vers les terres basses. || Or ces conditions, d'après l'examen attentif des cartes et des levés topographiques expédiés Anglais et Portugais, ne se réalisent qu'en deux seuls traits, savoir, autour du bassin où se trouve Massi-Kessi, et entre Inyamatumba et un point situé précisément à l'ouest du mont Guzane (Carte Portugaise) sur la rive gauche du Petit Mussapa. || La chaîne du partage des eaux, qui est plus élevée particulièrement dans la partie méridionale, comprend dans son ensemble presque toujours les altitudes plus prononcées du pays, et, à l'exception des deux traits mentionnés ci-dessus, elle est entourée, non seulement à l'ouest, mais à l'est, par un terrain d'une élévation remarquable, surtout dans sa partie septentrionale au-dessus du mont Venga, où se trouvent réellement les cimes les plus hautes. || La prétention de tracer la délimitation, pour toute l'étendue de cette section, précisément sur la crête de partage des eaux, ne semble pas conforme à la définition du plateau et du versant donnée par M. le Capitaine d'Andrade, car on arriverait à considérer comme versant tout le terrain qui est incliné dans le même sens; tandis que, suivant cette définition, la table du plateau peut-être inclinée et le bord du versant ne commencer que là où l'inclinaison du terrain devient bien marquée et générale. || Et on ne peut soutenir que cette crête coïncide, dans toute la section, avec le bord du versant oriental; parce que dans sa plus grande partie, immédiatement après la crête, il y a, aussi à l'est, une pente assez douce qui, à un certain point dans sa descente, devient beaucoup plus raide (monts Vumba-Inyamatumba), et qui constitue ainsi, ce que le Colonel de la Noë („Les Formes du Terrain", Paris, 1888) a appelé versant debout ou inférieur, par opposition au versant couché ou supérieur, qui fait encore partie de la table du plateau. || La ligne Portugaise donc ne correspond non plus dans son ensemble au texte de l'Article II du Traité. || Ainsi, arrivé à l'examen de la dernière question, M. l'Expert, à l'aide d'une suite de profils équidistants de 2′ 30″ tracés, au mieux possible, sur les cartes, et tout en observant qu'il lui manquaient des éléments nécessaires pour cette espèce de travaux, il démontre que la ligne conforme au Traité est en partie différente

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des deux lignes réclamées par chacun des Gouvernements, il la devise en quatre parties, et il la trace ainsi qu'il suit: —

1re Partie. — En partant du parallèle 18° 30′ sud, près du confluent du Garura avec l'Honde, qui correspond à l'étroite gorge entre le mont Mahemasemika et le contrefort septentrional du Panga dans la Carte Britannique, et précisément au-dessous de la cote de 760 m. signée un peu au-dessus du dit parallèle dans la Carte Portugaise, la ligne remonte au sommet du dit contrefort jusqu'au Panga. Puis, suivant la Carte Britannique, elle se dirige vers le sud-est (cote de 3890 p.) en traversant la Rivière Inhamucarara jusqu'à la hauteur de la cote 6740 p. au nord du Gorongoe, tandis que, suivant la Carte Portugaise, elle va du Panga vers sud-est (cote 1257 m.) en traversant l'Inhamucarara jusqu'à la hauteur au nord du Gorongoe (cote 1810 m.) De là elle suit la crête du Gorongoe par le mont Shuara (cote 5540 p. C. B.) jusqu'au Monga ou Vengo (C. P. et B.). || Cette partie de la section se justifie observant que le bassin de la Honde, depuis ses sources jusqu'à la gorge bien marquée par les contreforts de Mahemasemika au nord et du Panga au sud, fait partie du plateau, parce qu'il a une altitude générale remarquable, et il est environné par un terrain assez étendu et élevé qui fait évidemment partie du plateau. La gorge d'où sort la Honde doit être considérée comme une vraie entaille du bord du plateau après laquelle le versant descend par une pente presque uniforme jusqu'à la région de la Rivière Pungwe. || En descendant à l'est de la ligne Portugaise, il n'y a pas de pente générale, mais le terrain, après un certain abaissement, remonte vers la région très élevée du Panga et du Gorongoe. C'est donc seulement au delà de cette montagne que commence le vrai versant oriental du plateau avec une pente assez raide. || Les massifs du Pungwa-Panga et du Venga-Shuara-Gorongoe ne peuvent pas être regardés comme des chaînes parallèles faisant partie intégrale du versant oriental, puisque leur hauteur et leur importance, ainsi que l'élévation générale des terres et des vallées que ces montagnes renferment, indiquent évidemment qu'elles appartiennent encore à la surface du plateau. || Et en effet la haute vallée de l'Inhamucarara, renfermé entre ces deux chaînes, ne peut-être considérée comme un cours d'eau du versant oriental, attendu que, indépendamment de son élévation générale, par son lit étroit et peu praticable, elle a tout l'aspect d'une vraie et profonde entaille de la table du plateau; et sa direction nord-nord-est est bien différente de celle orientale du versant. || L'objection que cette ligne part d'un point très bas sur le parallèle 18° 30′ et que ce point de prime abord ne semble pas situé sur le bord ou la crête qu'on cherche, n'a pas de valeur, parce que ici le hasard a voulu que le parallèle 18° 30′ correspond précisément à une des plus fortes entailles qui puissent rendre le bord discontinu. || 2e Partie. — En partant du mont Venga, elle se dirige par la crête qui va vers le nord-ouest-ouest et vers la cote 6200 p. du Gomoriyangani (C. B.), ou à l'est de la cote 1620 m. du Mabonde (C. P.). De là, se tenant à la Carte Britannique, elle suit la ligne colorée en bleu, qui

longeant la crête du dit Gomoriyangani, atteint le mont Snuta (cote 5570), le mont Chenadombue (cote 4700) et la hauteur de la cote 4510, jusqu'au sources du Menini où se trouve marqué le col par la cote de 3750, et où passe le chemin indiqué avec le nom „Selous Road"; tandis que, se tenant à la Carte Portugaise, elle suit la crête du Mabonde, atteint le Mugudo, le Lapulare (cote 1600), le Chitumbo (cote 1530), et passé à l'est du Bumbuli jusqu'au point où se détache vers l'ouest le contrefort de l'Ihamazire. De ce point, faisant un arc de cercle avec la concavité à peu près vers le nord-est, elle rejoint le contrefort qui va vers le mont Vumba (ou Serra-Chitumba de la C. P.) coupant la haute vallée du Munene ou Menini. || Cette partie est ainsi motivée. Elle contourne la région de Massi-Kessi depuis le mont Venga jusqu'au mont Vumba, laissant ainsi dans la zone Portugaise les hautes vallées du Révué, du Zambusi, et du Menini, qui, étant plus ouvertes et séparées par des contreforts étroits avec une pente plus raide, font partie du versant oriental. || Les contreforts entre le Révué, et son affluent le Chua, celui qui se détache du Chenadombue et finit au Saddle Hill (C. B.) ou Maritza (C. P.), et celui du Clarke's Hill, peuvent être classés parmi les contreforts mentionnés dans le 4e postulat ci-dessus rapporté, et doivent faire partie du versant. || Enfin la ligne proposée, partant du col signé par la cote 3750 sur la Carte Britannique, se porte vers le Vumba, parce que à sa droite, et au sud de la vallée du Menini commence un tel rehaussement général du terrain, qu'il faut le considérer comme appartenant au plateau. || 3e Partie. — En partant du Vumba la ligne fait plusieurs inflexions afin de suivre vers le sud la crête de la pente plus raide; elle coupe les hautes vallées du Zombi ou Zombe, du Mazongwe ou Zomoe, elle atteint le mont Matura à la cote de 4495 p. (C. B.), où le point trigonométrique qui est marqué sur la carte Portugaise à la distance de 2500 mètres à l'ouest de la cote 596 m. en continuation de la Serra Chaura, et ensuite elle va couper les hautes vallées du Mangwene et Pambe, ou Inhamatoca, du Litanti ou Bonde, et de l'Inyamangwene jusqu'à l'extrémité orientale du mont Inyamatumba à la cote de 4650 p. (C. B.), c'est-à-dire, jusqu'au sud-ouest du Chabua (C. P.). || Cette partie de la section est justifiée par l'observation qu'entre elle et la ligne Portugaise est compris tout le haut terrain qui commence un peu au sud du Menini, et dans lequel se trouvent les hautes vallées et les surfaces d'écoulement des torrents déjà cités, et qui fait partie sans doute de la table du plateau, tandis que tout au long de cette ligne il y a un échelon ou changement sensible d'inclinaison, qui indique le vrai bord d'où commence le versant oriental proprement dit. En observant attentivement la carte Britannique D on aperçoit facilement la différence caractéristique du terrain situé entre les cours d'eau du Zombi, Mazongwe, Mangwene, &c., et celui compris entre les étroits contreforts du Saddle Hill et du Clarke's Hill, entre le Révué, le Zambusi, et le Menini, qui appartiennent au versant. || 4e Partie. — Depuis le mont Inyamatumba, la ligne, en remontant le contrefort de ce massif vers l'ouest, va rejoindre de

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nouveau la ligne Portugaise, et la suit le long du mont Kokoboudira (C. B.) ou Choanda (C. P.) jusqu'à la cote 1500 mètres (C. P.), c'est-à-dire au nord-ouest de la cote 5100 pieds (C. B.). De ce point se dressant vers l'est, elle va couper la haute vallée du Petit Mussapa, et atteint le mont Guzane (C. P.) pour rejoindre, en écornant l'angle fait par la ligne Anglaise, le 33° longitude est de Greenwich, et le suivre jusqu'à Chimanimani, après avoir dépassé le Grand Mussapa. || Cette dernière partie de la ligne proposée est justifiée ainsi que suit: — || Les mêmes raisons par lesquelles le Révué, le Zambusi, et le Menini ont été reconnus comme des cours d'eau du versant, obligent à juger que le Mangwingi (C. B.) ou Munhinga (C. P.) ne peut être un cours d'eau du plateau. On doit en dire autant des autres torrents plus au sud jusqu'au Petit Mussapa, ce dernier exclu; parce que la vallée supérieure du Petit et du Grand Mussapa est comprise dans une région qui est beaucoup surélevée, et qui appartient au plateau de l'aveu même des deux Parties. || La ligne, une fois arrivée au méridien 33°, le suit vers le sud, selon la prescription de l'Article II de la Convention, qui défend que la ligne dépasse ce méridien au profit de la Grande-Bretagne. || Le savant et diligent Rapport de l'honorable Expert a mis ainsi en relief tout ce qu'il y a d'irrégulier dans les lignes des deux Gouvernements, et, en les rectifiant, il nous a proposé une troisième ligne, qui, ayant été par nous examinée avec le plus grand soin, et comparée avec celles des deux Parties, nous paraît exempte des vices que nous avions toujours entrevu dans chacune d'elles, et qui nous ont empêché de nous prononcer pour l'une ou pour l'autre. || Nous avons en effet dans la proposition de l'Expert une ligne naturelle, qui dans son cours tortueux se conforme, autant qu'il est possible, à la configuration montagneuse du plateau, et suivant les hauteurs qui le dessinent, et qui en forment le versant oriental, elle longe la partie supérieure ou le bord de ce versant. Elle ne coupe ainsi que les cours d'eau et les vallées qui par l'élévation du terrain doive faire partie de la table du plateau; et elle laisse dans la pente les autres d'un niveau inférieur et d'une inclinaison plus raide. || Ajoutons que cette ligne fait une juste application du Traité, puisqu'elle n'adopte comme frontière le partage des eaux, si ce n'est dans les endroits où il est constaté, qu'il coïncide avec le bord du versant, ce qui est conforme à la lettre et à l'esprit de l'Article II. || Ainsi nous voyons que dans son ensemble cette ligne n'empiète ni sur la surface du plateau, ni sur celle de la pente; mais elle remplit, autant que l'irrégularité du Manica le consent, et pour autant que les cartes produites le permettent, le but final de la délimitation, résumé dans les mots, „le plateau à la Grande-Bretagne et la pente au Portugal". || En outre, cette ligne laisse dans la zone Portugaise toute la région de Massi-Kessi, suivant les sommets de cette espèce de cirque montagneux, que la nature semble avoir établi comme une limite territoriale, et comme un rempart vers l'ouest.

Les aspirations du Portugal à cet égard n'avaient dans le texte du Traité une garantie suffisante, et les intentions des négociateurs n'avaient pas

été manifestées assez nettement pour servir de base à une définition judiciaire. Mais nous avons néanmoins reconnu que ces aspirations trouvent leur fondement dans une correspondance heureuse entre une ligne tracée par la nature et les inspirations de l'équité. || Pour toutes ces considérations la ligne proposée par l'Expert nous semble présenter tous les caractères que l'Article II exige dans la frontière entre les zones d'influence des deux pays, et nous apparaît la seule conforme à la lettre et à l'esprit du Traité. Par conséquent nous serions disposés à l'adopter dans son ensemble avec une pleine conviction. || Seulement nous avons réfléchi que le tracé de la ligne proposée par l'Expert, depuis le mont Vumba jusqu'à l'Inyamatumba, bien qu'il soit techniquement exact, toutefois — par ses nombreuses inflexions et par la difficulté d'en préciser le cours sur des cartes si peu détaillées, soit par leur échelle trop petite, soit pour le genre de la levée tout à fait expédiée — il pourrait facilement donner occasion sur un terrain aussi irrégulier, à des doutes et à des divergences qu'il faut soigneusement prévenir. || En conséquence nous avons jugé convenable d'inviter le même Expert à nous indiquer dans cet endroit une ligne mieux marquée et plus pratique. || Secondant notre invitation, dont il a reconnu l'opportunité, l'Expert nous a signalé de légères modifications à introduire dans son tracé en substituant quelques lignes presque droites et mieux définies aux inflexions naturelles du bord du versant, de manière que la quantité du terrain qui revient à chacune des Parties, par la substitution des lignes droites à la rigoureuse démarcation du bord, demeure presque équivalente. || Il propose en conséquence, que du mont Vumba la frontière suive en ligne droite jusqu'à un point trigonométrique qui se trouve entre 4 ou 5 kilom. à l'est du partage des eaux (Serra Chaura), et de ce point, elle continue en ligne droite, jusqu'à la hauteur signée par la cote 4650 à l'extrémité orientale de l'Inyamatumba. De là elle remonterait cette montagne et se rattacherait ainsi à la ligne déjà proposée. || Ces modifications nous ayant paru correspondre au but de rendre plus facile, plus pratique et mieux déterminée la délimitation, nous y avons conformé notre décision. || Suivant la division tracée dans le Compromis, nous ajoutons, pour compléter la première section de la frontière, qu'après Chimanimani la frontière continue à suivre, sans contestation, le méridien 33° jusqu'au point signé A sur la Carte Britannique, à quelques milles au sud du défilé de Chimanimani.

V. — *Deuxième Section de la Frontière.*

L'Acte de Compromis nous apprend, que sur la seconde section de la frontière il est intervenu un accord entre le Major Leverson, Commissaire Britannique, et le Capitaine d'Andrade, Délégué du Commissaire Portugais, sur les lieux mêmes qu'ils devaient délimiter. || Cet accord est constaté dans les Mémoires que les deux Parties nous ont présentés; mais avec cette différence, que le Gouvernement Britannique le maintient et il en réclame intégralement l'adoption; tandis que le Gouvernement Portugais, s'appuyant sur l'Article 15

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du Règlement pour les travaux de délimitation, signé à Mozambique le 24 Octobre, 1891, par les Commissaires des deux pays, soutient que l'acceptation de l'accord signé par M. le Capitaine d'Andrade, Délégué Technique, ne pouvait être définitive et obligatoire pour lui, que moyennant son approbation, qu'il n'a pas donnée avant l'arbitrage. || En effet, ce n'est que dans le Mémoire présenté à l'Arbitre, que le Commissaire Portugais a déclaré que le Portugal approuve l'accord Leverson-d'Andrade seulement en partie, savoir, depuis Chimanimani jusqu'à Mapunguana (Mémoire Portugais, page 98). || A l'appui de cette approbation partielle le Commissaire Portugais observe que dans la partie qu'il a acceptée, la délimitation concordée est rigoureusement conforme à l'Article II du Traité jusqu'au parallèle 20° à peu près; qu'au sud de ce parallèle, et jusqu'au 20° 30′ de latitude environ, le relief du sol devient tellement irrégulier qu'il est très difficile d'y appliquer les règles de l'Article II; que la table et le versant du plateau y sont si mal caracterisés, à cause de l'irrégularité du régime des eaux et de l'absence de lignes générales bien nettes dans la configuration du sol, qu'il est presque impossible de déterminer avec précision quelle est la ligne qui les sépare, c'est-à-dire le bord du versant oriental. Seulement par esprit de conciliation, d'après lui, on a éliminé les questions bien graves qui se présentent dans la délimitation, parce que „le terrain se prête à être compris de différentes manières" (Mémoire Portugais, page 93). Enfin, dans cette partie, la ligne concordée, de l'avis même de ceux qui l'ont tracée, ne suit point la crête du versant (voir Observations sur le Contre-Mémoire Britannique, No. 32 et seq.); en sorte qu'on n'a appliqué ici les règles de l'Article II qu'autant qu'il était possible. || En d'autres termes, bien que cette démarcation ne soit peut-être pas rigoureuse, le Gouvernement Portugais reconnaît que le pays, dans ce trait, n'en admet pas une autre dont l'exacititude soit moins contestable. || Mais il pense qu'on ne puisse en dire autant du prolongement de la ligne depuis Mapunguana jusqu'au parallèle 20° 42′ 17″, et c'est pourquoi il refuse cette dernière partie de l'accord et il propose d'y substituer une ligne nouvelle qui suivrait les montagnes Xerinda jusqu'au mont Zuzunye, et qui, touchant les hauteurs de 990, 1 150 et 960 mètres qui séparent le bassin du Zona et du Chinica, serait naturellement déterminée par le relief orographique. Cette ligne, ajoute le Portugal (Observations sur le Mémoire Britannique, No. 68), évite le détour inutile de la ligne concordée, qui de Mapunguana court vers le sud-est, à travers l'Inhamazi, pour se rendre à une hauteur de 1 100 mètres, et descendre ensuite à des cotes de 670 et 760 mètres. Et tandis qu'elle est presque rectiligne, elle conserve une altitude moyenne de 1 110 mètres, et une régularité plus grande que la ligne concordée. || Le Gouvernement Britannique, ainsi que nous l'avons dit, maintient en tout l'accord d'après lequel la ligne, arrivée a Mapunguana (point signé H sur la C. B.), fait un angle aigu se dirigeant vers le sud-est, et va droite à une colline bien marquée à l'est du fleuve Zoma ou Zona, et puis se prolonge jusqu'à un point situé sur la chaîne

qui sépare la vallée du Zoma de celle du Sheneyka ou Chinici, et enfin se dressant presque directement vers l'ouest, arrive en ligne droite au sommet du mont Zuzunye. || Contre l'adoption de la rectification réclamée par le Portugal, la Grande-Bretagne oppose deux objections, l'une juridique et l'autre technique. || L'exception juridique consiste dans le caractère spécial de l'accord Leverson-d'Andrade. Il est admis d'un côté et de l'autre, que cet accord représente dans son ensemble une transaction discutée et acceptée sur le terrain même, et moyennant des concessions mutuelles, par des techniciens qui avaient acquis la connaissance des lieux et qui étaient bien compétents pour juger de leurs caractères topographiques. || La description ci-dessus rapportée, que le Portugal a fait du terrain très irrégulier et accidenté que parcourt la ligne concordée jusqu'à Mapunguana, nous fait assez clairement comprendre à combien d'arrangements a dû donner lieu le tracement de cette ligne. Le Commissaire Britannique déclare que par le désir d'arriver à une solution immédiate, il s'est décidé à accepter les modifications apportées à ses premières propositions par le Capitaine d'Andrade, bien qu'il fût convaincu que la première ligne correspondait plus exactement aux termes de l'Article II du Traité. || L'étendue des concessions faites par le Commissaire Britannique résulte de la dite Carte Britannique D sur laquelle la ligne rouge ponctuée représente la frontière qu'il avait d'abord proposée dans les endroits où elle ne coïncide pas avec la ligne concordée, savoir depuis la lettre C jusqu'à la lettre K. On voit par cette carte, que la partie acceptée par le Délégué Portugais est bien importante; il déclare lui-même dans son Mémoire (page 93) que c'est la plus grande partie de la démarcation arrêtée. C'est là précisément que lui ont été faites les plus larges concessions dont il entend de profiter. || Au reste, la manière dont ce compromis a été formé, nous est expliquée même par le Capitaine d'Andrade en des termes qu'il est utile de rapporter: „La ligne Leverson-d'Andrade (dit il au No. 109 des Observations sur le Mémoire Britannique) a été tracée en se faisant des concessions réciproques; il y avait la ligne Leverson et la ligne d'Andrade, et après des discussions prolongées sur le terrain, pour faire preuve d'un esprit de conciliation d'un côté et de l'autre, on est arrivé à la ligne ci-dessus indiquée, quoique d'un côté et de l'autre on était persuadé que chacune des deux lignes était plus conforme au texte de la Convention." || Le langage des Délégués des deux Gouvernements met ainsi en évidence, que toute la ligne concordée a été l'effet d'un compromis ou d'une transaction, qu'on ne pourrait scinder sans aller contre les intentions de ses auteurs et sans blesser la justice aux dépens de l'une ou de l'autre Partie. C'est le cas de dire de cet accord, qu'il est à tout prendre ou à tout laisser. Le Portugal qui accepte la partie plus grande qui lui est avantageuse, ne peut rejeter l'autre au désavantage de la Grande-Bretagne, sans que la balance de la justice soit évidemment troublée et l'équilibre dérangé entre les Parties. || Le défaut de pleins pouvoirs du Délégué d'Andrade, sur lequel le Portugal appelle notre attention dans plusieurs Mémorandums rapportés dans son Mémoire,

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quand même il était démontré d'une manière irréfutable, ne pourrait être admis comme un argument en faveur du Portugal, que dans le cas que ce dernier refusait l'accord tout entier pour refaire toute la ligne concordée. || Mais le Portugal prétend qu'il ne fait dans ce trait que conformer sa ligne à la Convention. || La Grande-Bretagne conteste cette affirmation par la seconde exception, que nous avons qualifiée technique. Son Délégué au No. 15 de ses Observations finales observe que la ligne Portugaise depuis Mapunguana jusqu'au mont Zuzunye est bien une ligne de crête naturelle, mais c'est une crête qui se trouve sur le plateau et non pas le bord du plateau. En examinant, en effet, la carte Anglaise D on voit que la pente depuis cette crête au nord-ouest vers l'Umswilizi est beaucoup plus rapide, que la pente générale de l'autre côté vers le sud-est, et le district de l'Umswilizi (ou Moussurize), même d'après le Capitaine d'Andrade, est une vraie rivière du plateau à ne pas en douter. (Observations sur le Contre-Mémoire Britannique, No. 68.) || Le Gouvernement Portugais cherche ici, à ce qu'il paraît, comme dans la première section, le bord du versant sur les altitudes les plus sailliantes et il confond encore une crête du plateau avec la crête, ou le bord, de son versant. Si la ligne du bord oriental descend davantage dans cet endroit, c'est l'effet naturel de l'abaissement graduel de tout le plateau de Manica qu'on remarque à l'ouest de la ligne en allant du Lusitu vers le sud. Cette pente générale du pays, et de la table du plateau lui-même, ne doit pas être confondue avec la pente ou le versant qui s'abaisse naturellement avec l'abaissement du plateau. || Il faut, au surplus, avoir présent cet aveu des Parties (que nous avons déjà mis en relief), que cette section de la ligne est le résultat de concessions mutuelles. En sorte que, si dans son parcours il y a quelque trait moins régulier et moins conforme à l'exacte application de l'Article II du Traité, ces irrégularités se compensent mutuellement; et si après Mapunguana il y a quelque avantage pour la Grande-Bretagne, le Portugal trouve une large compensation dans les concessions qui lui ont été faites dans la partie bien plus grande qui précède Mapunguana et dans celle qui suit. || Nous estimons donc fondées les deux exceptions de la Grande-Bretagne. Quoiqu'elles soient essentiellement distinctes, elles s'entr'aident, et les deux réunies nous portent à conclure que l'acceptation partielle de l'accord, et la conséquente modification proposée par le Portugal entre le point H et le point M est aussi contraire aux principes de justice, qu'aux règles de l'Article II du Traité. C'est pourquoi l'accord doit, à notre avis, être maintenu jusqu'au mont Zuzunye. || Quant à la dernière partie de cette section jusqu'au point O, nous en parlerons en examinant la troisième section, à laquelle cette partie a été réunie par la discussion des Délégués.

VI. — *Troisième Section de la Frontière.*

La ligne, une fois portée par les Délégués des deux Gouvernements au sommet du mont Zuzunye, donne lieu à une grave divergence sur la manière

d'interpréter et d'appliquer la Convention au terrain qui reste à délimiter pour atteindre le fleuve Save. || Pour le Gouvernement de la Grande-Bretagne, en partant du sommet du mont Zuzunye (point marqué M sur la carte D), la ligne traverse la vallée de l'Umswilizi jusqu'à un point élevé de la ligne de partage des eaux pui sépare la vallée du Nyamgamba de celle d'autres affluents de l'Umswilizi (qui sont tous des fleuves du plateau), et elle suit la ligne de l'accord jusqu'au point O, où elle rencontre le méridien 32° 30'. || Cette petite partie de la frontière est le complément de la ligne concordée entre le Major Leverson et le Capitaine d'Andrade, et on doit conséquemment y appliquer toutes les observations que nous avons faites ci-dessus, sur l'indivisibilité de l'accord proposé comme une transaction bilatérale qui ne supporte la moindre altération. L'abaissement sensible de tout le plateau dans cette partie, et son détour vers le sud-ouest, oblige naturallement la ligne, qui suit son bord oriental, à fléchir vers l'ouest jusqu'au méridien 32° 30'; ensuite s'arrêtant à ce méridien, fixé comme limite extrême par l'Article II du côté de l'ouest, elle le suit jusqu'au Save, laissant dans la zone Portugaise tout le territoire qui se trouve à l'est du même méridien. || Nous jugeons à propos de remarquer ici que l'accord ayant fait reculer la ligne à l'ouest, il a pour résultat, dans son parcours du point M au point N, de faire entrer dans la zone Portugaise le triangle LMN, dont l'importance est visible sur la carte D, et qui est compris entièrement dans le district de l'Umswilizi placé sur le plateau. C'est donc une autre concession considérable au profit du Portugal. || Enfin, la ligne Anglaise, dans l'ensemble de cette dernière section, serait conforme aux deux conditions exigées par le Traité, savoir, la direction vers le sud, suivant les déviations du bord du plateau, et la limitation du parallèle 32° 30' du côté de l'ouest. || Le Gouvernement Portugais, au contraire, se croit autorisé, par la configuration du terrain dans cet endroit, à suivre une toute autre direction, et à s'écarter des règles fixées par le Traité. || En se fondant sur la supposition que l'abaissement des terres après le parallèle du mont Zuzunye jusqu'au chenal du Save est tellement marqué, que le plateau de Manica et son versant au sud viennent à cesser complètement, il en tire la conséquence que la frontière ne peut plus longer son bord oriental vers le sud. Il se produit, dit-il, un cas non prévu, ou omis, dans le Traité, car celui-ci suppose que le plateau se prolonge au sud jusqu'au Save. Dès lors, les règles établies par l'Article II cessant d'être applicables, il faut y suppléer en faisant recours aux principes généraux d'herméneutique diplomatique, d'après lesquels, lorsque dans une Convention de Délimitation il est dit qu'une ligne doit se rendre d'un point à un autre, sans en déterminer le parcours, elle doit s'y rendre directement, soit par la voie la plus courte. || En appliquant cette règle au cas supposé, le Commissaire Portugais soutient que la frontière ne pouvant se diriger au Save vers le sud, ainsi qu'exige le Traité, elle doit y aller du côté de l'ouest par la voie la plus courte, afin de suivre son cours en aval jusqu'à son confluent avec le Lunde. Il ajoute que cela serait conforme, soit à

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l'intention des négociateurs, qui n'ont eu en vue que de laisser tout le plateau à la Grande-Bretagne, soit aux principes de justice et d'équité qui militent en faveur du Portugal; soit enfin aux expressions du Traité „suit ce chenal jusqu'à son confluent avec le Lunde", puisque suivre un cours d'eau, d'après lui, signifie plus proprement le suivre en aval et non pas en amont, ainsi que le ferait la ligne Anglaise. || Par ces arguments en rejetant la ligne proposée par la Grande-Bretagne le Portugal croit juste et rationnel, que la frontière depuis le 20° 30′ environ, se rende au Save par les monts Nero et Zuzunye et par la Rivière Lacati, suivant ensuite le cours du Save jusqu'à son confluent avec le Lunde. || Et comme cette ligne dépasserait le méridien 32° 30′, il cherche d'écarter cette difficulté en observant „que les méridiens du 33° à l'est et du 32° 30′ à l'ouest ne figurent dans le Traité qu'avec le rôle de limites que la frontière dans son cours ne doit jamais dépasser, lorsqu'il s'agit de la tracer au long du bord du versant oriental du plateau; donc" (il conclut) „ces limites n'ont rien à voir dans la délimitation d'une contrée, où précisément le plateau et le versant font défaut". (Mémoire Portugais, page 97.) || Les raisonnements que nous venons de résumer nous paraissent plus spécieux que solides, n'étant essentiellement fondés ni en fait, ni en droit. Deux sont les questions qu'il soulèvent dans leur ensemble, savoir: (1) si le plateau de Manica cesse réellement au sud avant d'arriver au Save; (2) si dans le cas affirmatif, il soit permis d'en tirer les conséquences qu'on en déduit.

1. Nous remarquerons avant tout que les officiers topographes qui ont arrêté d'accord la frontière depuis le point M, sommet sur le mont Zuzunye, jusqu'au point O où le bord coupe le 32° 30′, ont dû reconnaître dans ce parcours l'existence du plateau et du versant, condition nécessaire de ce tracé. || Le Major Leverson observe (No. 30 de ses Notes), que la supposition du Traité, que le versant du plateau, sans cesser d'être versant oriental, s'étende jusqu'au Save, était parfaitement justifiée par la Carte de M. Maund, dans laquelle on voit que le bord de ce plateau, après avoir coupé le méridien de 32° 30′ suit une direction à peu près sud-ouest jusqu'au Save; qu'en effet l'examen du terrain a démontré que la déflexion générale donnée au bord à l'ouest de ce méridien par cette carte n'est pas très inexacte. Il ajoute, qu'il n'admet aucunement que le plateau n'existe plus au sud du mont Zuzunye, puisque cette montagne se trouve, dit-il, même à l'est de la grande ligne de partage des eaux, et précède le triangle LMN entièrement compris dans le district de l'Umswilizi (ou Moussurise) qui, de l'aveu même du Capitaine d'Andrade, ainsi que nous l'avons déjà remarqué, est une vraie rivière du plateau. || L'abaissement considérable des hautes terres de Manica avant d'arriver au Save serait, d'après le Portugal, la preuve que le plateau n'existe plus et qu'on y trouve la plaine. || Mais tout en reconnaissant qu'il y a un abaissement, nous estimons qu'il n'arrive pas à effacer les caractères du plateau. || Il ne faut pas oublier en premier lieu, que le plateau de Manica (ainsi que les

autres plateaux d'Afrique en général) est, d'après l'aveu des Parties et les observations des géographes et des voyageurs, plus élevé à l'est et s'affaisse graduellement vers le sud et l'ouest. Mais cet abaissement naturel n'ôte point aux plateaux leur caractère. En effet, le Délégué Britannique en reconnaissant que la partie du plateau de Manica au sud du parallèle de l'intersection de son bord par le 32° 30' est moins élevée que le pays au nord, il soutient que cela n'empêche pas qu'on doive le considérer encore comme partie de la table du plateau; il explique et appuie bien cette proposition en remarquant, que la diminution dans l'altitude générale du pays à l'ouest, en allant du Lusitu vers le sud, est causée par l'abaissement graduel de tout le plateau depuis Mapunguana et par la façon dont, en approchant du Limpopo, il recule vers le sud-ouest; mais cette inclinaison générale du terrain n'autorise pas à y voir la partie d'une pente extérieure, c'est-à-dire, le versant qui rattache le plateau à la plaine, et encore moins le commencement de la plaine. || Il est admis par les géographes, que la surface d'un district élevé peut avoir une pente générale de cette espèce sans cesser nécessairement, et à cause de cela, d'être un plateau. L'autorité de M. Élysée Réclus en fournit un exemple dans son œuvre déjà cité („La Terre", tome 1, 2e éd., p. 137), où il nous apprend que „la plupart des hautes terres de l'Afrique sont peu élevées et leurs pentes offrent un accès facile; ainsi les plateaux de la Colonie du Cap, dont la hauteur moyenne est au sud de 200 mètres à peine, s'élèvent par degrés vers le nord jusqu'à une altitude qui va de 600 à 1 000 mètres au-dessus du niveau de la mer". || Cette observation s'applique parfaitement aux hautes terres de Manica, qui, sans contredit, s'élèvent vers le nord à plus de 1 000 mètres, tandis que vers le sud, un peu avant d'arriver au Save, leur altitude n'est pas de beaucoup supérieure à 300 mètres. (Observations sur le Contre-Mémoire Britannique, No. 12, et Conclusions du Délégué Portugais, No. 4.) || Une autre observation complète cette démonstration. Il est généralement reconnu, même par M. le Capitaine d'Andrade (Observations sur le Mémoire Britannique, No. 71) que „la définition de plateau est susceptible d'une certaine élasticité à cause de l'application peu restreinte qu'on fait de ce mot". La géographie ne fixe donc point le minimum de son altitude; ce minimum dépend des terres qui l'environnent et des conditions particulières de chaque région. Nous venons de rappeler que, suivant le témoignage de M. Réclus, la hauteur de 200 mètres en Afrique suffit à constituer un plateau. Cette opinion nous la trouvons partagée par M. Ritter (cité avec nombre d'autres auteurs dans le Mémoire Portugais, page 48) qui considère l'élévation de 500 pieds (160 mètres environ) comme étant la limite la plus basse du niveau d'un plateau. De même le Capitaine d'Andrade dans ses Conclusions (No. 4) reconnaît que, d'après le même Réclus, il peut y avoir des plateaux à l'altitude de 50 mètres, et que d'après l'illustre géographe Italien Marinelli l'altitude minime d'un plateau est de 200 mètres. (Marinelli, „La Terra", vol. i, page 302.) || Dans notre cas, la règle d'herméneutique légale,—suivant

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laquelle les expressions employées dans un contrat doivent être prises dans le sens le plus conforme à l'intention des parties qui l'ont stipulé et le plus favorable au but du contrat, — nous oblige à donner au mot de plateau la signification la plus large possible, c'est-à-dire à exiger seulement le minimum de son altitude normale, afin de pouvoir constater son existence jusqu'au Save, telle que l'avaient supposée les Hautes Parties, et afin de rendre possible ainsi l'application du texte de l'Article II du Traité. Suivant ainsi, au point de vue du droit, une règle d'interprétation universelle, et, au point de vue technique, l'opinion des plus illustres géographes auxquels se rapportent aussi les deux Parties, nous concluons, que le plateau de Manica, bien qu'il s'abaisse graduellement vers le sud et se réduise à des proportions minimes, conserve toutefois une hauteur suffisante pour admettre (ainsi que l'ont supposé les rédacteurs du Traité) qu'il existe encore jusqu'au Save.

2. Enfin, pour examiner la question sous toutes ses faces, nous supposerons avec le Portugal, que le plateau, contre la prévision des auteurs du Traité, vienne à cesser à une distance plus ou moins grande avant d'arriver au Save. Les conséquences qui s'ensuivraient ne seraient certainement pas celles que le Portugal croit d'en tirer. || La direction que la ligne doit avoir vers le sud ne cesserait pas, et les limites des méridiens qu'elle doit garder dans sa marche, resteraient invariables; aussi on ne pourrait pas même dire qu'il se vérifie un cas omis, ou une lacune dans la Convention. || En effet, quant à la direction de la ligne vers le sud, il suffit de réfléchir, quelle est la seule qui se trouve établie dans l'Article II du Traité comme règle générale pour le tracé de toute la frontière entre le 18° 30′ et le Save. Les mots „southwards to the centre" du texte Anglais, ainsi que les mots „na sua direcção sul até á linha media" du texte Portugais, signifient „vers le sud jusqu'au centre" et non seulement „vers le Sabi". (Voir Observations du Major Leverson, No. 18.) Il est vrai que l'Article dit en même temps que la ligne „suit la partie supérieure de la pente orientale du plateau". Mais par ces mots on n'a pas voulu dire que la ligne n'ira vers le sud que si, et pour autant que, elle pourra suivre le bord de ce versant, ainsi que le Délégué Portugais estime; mais tout simplement, que la frontière, en allant vers le sud au Save, doit suivre le cours naturellement tortueux du bord et non pas y aller en ligne droite. || Ce n'est là évidemment qu'une condition imposée au tracé et non à la direction de la ligne qui doit surtout aller vers le sud: seulement en allant vers le sud au Save, elle doit suivre le bord du versant oriental. Il est donc bien entendu, qu'elle suit ce bord tant qu'il existe dans son parcours. Or si le bord, que le Traité suppose se prolonger jusqu'au chenal du Save, cesse avant d'y arriver, cette modalité du tracé cesse nécessairement avec le bord même, comme une condition remplie; et depuis le point où le bord finit, la ligne, restant dégagée de tout lien, doit aller directement au Save suivant la règle générale de sa direction vers le sud, dont l'application, en fait, ne trouve aucun empêchement. Seulement elle ne

pourra dépasser à l'est le 33°, ni à l'ouest le 32° 30' de longitude, ainsi que nous allons bientôt expliquer. || Cette interprétation est la seule raisonnable, la seule conforme au texte de l'Article II et à l'intention de ses auteurs. || L'objection que ce texte suppose que le plateau arrive jusqu'au Save ne pourrait aucunement secouer cette conviction. || Les rédacteurs du Traité, de l'aveu des Parties, n'avaient qu'une connaissance imparfaite du plateau qu'ils délimitaient. Or s'ils se sont trompés, cette erreur qui ne tombe sur une condition substantielle, mais sur une modalité dans le tracé de la ligne, ne pourrait changer en rien sa direction finale vers le sud qui peut et qui doit être suivie tout de même. || D'ailleurs, cette persuasion des négociateurs que le plateau arrivait jusqu'au Save, quoique erronée, fournirait la preuve évidente, que par les mots „la frontière suit vers le sud la partie supérieure du versant oriental jusqu'au Save", ils n'ont voulu dire autre chose que la frontière va vers le sud jusqu'au Save en toute son étendue qui, pour eux, s'identifiait avec l'étendue du bord. || Quant à la limitation du 32° 30' de longitude, nous estimons que le Portugal n'aurait non plus le droit de s'en émanciper en supposant que le plateau cesse avant le Save. || Si on recherche la cause et les raisons de cette limitation, on comprend aisément qu'elle est en tout cas indépendante de la continuité du bord jusqu'au Save. || Il résulte de l'histoire des négociations qui ont précédé la rédaction du Traité, que M. le Marquis de Salisbury avait d'abord proposé de fixer la frontière au 33° de longitude depuis le 18° 30' jusqu'au Save; que le Portugal, n'ayant pas accepté cette proposition, a pourtant déclaré par M. le Ministre du Bocage qu'il pourrait agréer comme ligne divisoire le 32° 30', pourvu qu'on eût égard aux modifications exigées par les conditions géographiques. (Mémoire Britannique, No. 13.) Les deux propositions réduisaient la différence entre les deux lignes à la bande de terrain existante entre le 32° 30' et le 33° longitude. Ce fut alors que, pour concilier la différence, Lord Salisbury présenta une espèce de transaction, qui établissait comme ligne-frontière, la partie supérieure, ou le bord du versant oriental, depuis le 18° 30' jusqu'au confluent du Save avec le Lunde. || Ce moyen de conciliation a été accueilli par le Portugal et adopté par l'Article II du Traité. || Mais prévoyant naturellement que le bord du versant d'un plateau montagneux irrégulier, tel que celui de Manica, serait tortueux dans son développement, les négociateurs ont jugé nécessaire d'établir que la frontière, suivant le bord dans son cours sinueux, n'aurait jamais dû dépasser les limites proposées par chacune des Parties, savoir le méridien 33° à l'est, proposé par l'Angleterre, et le méridien 32° 30' à l'ouest, proposé par le Portugal. || Ainsi la ligne venait à être, pour ainsi dire, renserrée dans l'ornière des deux méridiens, dans le double but de ne pas sortir de la bande du terrain disputé, et de ne pas assigner aux Parties plus qu'elles n'avaient demandé. || C'est ce qui a été précisément convenu par le paragraphe de l'Article II: „Il est entendu qu'en traçant la frontière le long de la pente du plateau, aucune partie de territoire à l'ouest du 32° 30'

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de longitude ne sera comprise," &c. La ligne donc dans tout son tracé ne pourra dépasser les limites sus-indiquées; si on y fait mention du tracement le long du versant, ce n'est que pour la simple raison ci-dessus mentionnée, que les négociateurs du Traité étaient pleinement persuadés que le bord du versant se prolongeait, autant que la ligne, vers le Save. Si, par hasard, on a trouvé qu'il s'arrête avant de l'atteindre, cette circonstance n'empêche pas que la limite des deux méridiens ait toute sa raison d'être, et que la ligne, en allant directement au Save, après la cessation supposée du bord, reste dans l'ornière que les Parties lui ont fixée par ces expressions qui contiennent une prohibition claire et absolue. || L'impossibilité de tracer la ligne entre ces bornes (ainsi qu'il a été observé par le Délégué Britannique) serait la seule raison qui pourrait être invoquée pour les franchir; mais une telle impossibilité est si loin d'avoir été prouvée, qu'elle n'a pas même été alléguée par le Portugal. || Le seul effet que la cessation du plateau avant le Save peut produire à l'avantage du Portugal, est celui de donner à la zone Portugaise vers l'ouest la plus grande étendue, en la poussant jusqu'à toucher la limite extrême du 32° 30′. Mais, comme la Grande-Bretagne immédiatement au sud de Chimanimani a reconnu qu'elle ne peut suivre le plateau dans son détour au delà du 33°, de même le Portugal ne peut prétendre de suivre le versant, ou la pente, ou la plaine, au delà du 32° 30′, contre la défense explicite du Traité. || Enfin, il ne faut pas oublier que la Grande-Bretagne pour s'assurer que la frontière ne dépasserait le 32° 30′ vers l'ouest et n'irait jamais empiéter sa zone au delà de cette limite, a fait, comme nous avons plus d'une fois remarqué, la concession d'une large étendue de territoire au nord du Zambèze au Portugal pour le dédommager de la perte qu'il aurait subie sur le plateau de Manica. Or, il serait contraire aux principes de justice, que, sous un prétexte quelconque, le Portugal, en dépassant cette même limite, reprit une partie du territoire en échange duquel il a accepté la dite compensation. Il est vrai, qu'à l'égard de cette concession, ou, pour mieux dire, de cet arrangement, le Portugal devant l'Arbitre n'a manqué de soulever des exceptions, soit sur sa valeur, soit sur les droits de la Grande-Bretagne à l'égard du territoire cédé. Mais nous devons répéter, ce que nous avons déjà eu l'occasion d'observer, que le Portugal, après avoir accepté par le Traité ce territoire comme une compensation équitable, il n'est plus recevable à opposer des exceptions, dont, au surplus, il n'a fourni aucune justification, s'étant borné à de simples allégations. || Il ne reste que le dernier argument du Portugal, tiré de la phrase „la frontière suit le chenal du Save jusqu'au point où il rencontre le Lunde" qu'il croit devoir signifier, que la frontière va au Save en aval du confluent avec le Lunde et que par conséquent elle doit l'atteindre avant son arrivée au Lunde. Cet argument est détruit par le fait, que selon la Convention la ligne devant entrer dans le Save avant le méridien 32° 30′ et ce méridien coupant le Save après son confluent avec le Lunde, il s'ensuit qu'on a entendu nécessairement qu'on doit remonter le Save pour aller au

confluent du Lunde. || Mais, à part la question si la phrase „suivre une rivière en amont" soit rigoureusement exacte au point de vue philologique, il est certain que dans le langage diplomatique et technique des Conventions de Délimitation, suivre un fleuve, une rivière, se dit aussi bien dans le sens de suivre en amont, que de suivre en aval. || M. le Délégué Britannique, dans ses Notes (No. 39) en a fourni une preuve par la citation de l'Acte de Délimitation de la Frontière Turco-Grecqne signé à Constantinople par la Commission Mixte Européenne le 15 (27) Novembre, 1891. (Voir dans le vol. iii de la N. Raccolta dei Trattati e delle Convenzioni fra il Regno d'Italia e i Governi Esteri, Turin, 1890, pages 99 et seq. les Articles I et II de la dite Convention), où évidemment les mots „suit" et „suivre" le thalweg d'une rivière sont employés pour signifier suivre en amont. || Bien d'autres exemples pourraient être rapportés; mais il est superflu, une fois que le Délégué Portugais lui-même dans ses Observations sur le Contre-Mémoire Britannique (No. 32h) déclare, que si l'interprétation naturelle des mots „suivre une rivière" est celle de la suivre en aval, „cela n'est pas absolument nécessaire". || En résumé, nous croyons que la prétention du Portugal de pouvoir mettre de côté l'Article II de la Convention depuis le mont Zuzunye, et d'y substituer des principes généraux en fait de délimitation, n'est justifiée ni en fait, ni en droit; et que la ligne qui doit être adoptée dans cette section est celle tracée sur la Carte D de la Grande-Bretagne, telle qu'elle avait été concordée par les Délegués des deux Gouvernements jusqu'à la rencontre du 32° 30'. La continuation de la ligne jusqu'au Save suivant ce méridien, n'en est qu'une conséquence nécessaire.

Par ces motifs:

Nous déclarons que, d'après l'Article II du Traité signé à Lisbonne le 11 Juin, 1891, la ligne qui doit séparer les zones d'influence de la Grande-Bretagne et du Portugal dans l'Afrique Orientale au sud du Zambèze, depuis le parallèle 18° 30' jusqu'au confluent du Save (ou Sabi) avec le Lunde (ou Lunte), doit être tracée ainsi qu'il suit: — || 1. Quant à la première section de la frontière contestée telle qu'elle est désignée par le Compromis, la ligne en partant du point où le parallèle 18° 30' coupe le 33° longitude est de Greenwich, va vers le vrai ouest jusqu'à un point qui se trouve à l'intersection du 18° 30' avec une ligne droite tirée entre le stone pinnacle sur la crête du Mahemasemika (ou Massimique) et une hauteur sur le contrefort septentrional du mont Panga qui est signée par la cote de 6340 p. Depuis ce point d'intersection sur le parallèle, elle monte en ligne droite jusqu'à la dite cote de 6340 p.; d'où, suivant la ligne de partage des eaux jusqu'à la cote de 6504 p., elle va en ligne droite au sommet du mont Panga (6970 p.). Depuis cette cote en ligne droite elle va à la cote de 3890 p., et d'ici elle va directement en traversant la Rivière Inyamkarara (ou Inhamucarara) à la cote de 6740 p. au nord du mont Gorongoe. || Elle parcourt ensuite la ligne de partage des eaux par les cotes de 4960 p. et 4650 p. jusqu'au sommet du

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mont Shuara ou Chuara (cote de 5540 p.); et de là en suivant la ligne de partage des eaux entre l'Inyamkarara et le Shimezi (ou Chimeza, cote de 3700 p.), elle arrive au signal trigonométrique marqué sur le mont Venga (ou Vengo, cote de 5550 p.). || Depuis le mont Venga, elle suit la ligne de partage des eaux entre la haute vallée de l'Inyamkarara et le Révué, et puis celle entre le Révué et l'Odzi, jusqu'au point où se détache le contrefort qui forme la ligne de partage des eaux entre le Menini (ou Munene) et le Zombi (ou Zombe), d'où elle suit la crête du dit contrefort jusqu'au mont Vumba (cote de 4950 p.). || Du mont Vumba elle va en ligne droite au point trigonométrique qui se trouve sur le Serra Chaura entre 4 et 5 kilomètres à l'est de la grande ligne de partage des eaux, et de là en ligne droite jusqu'au point qui se trouve à l'extrémité orientale de Serra Inyamatumba (cote de 4650 p.). || De là elle suit la ligne de partage des eaux qui renferme au nord la vallée du Mangwingi (ou Munhinga) jusqu'à ce qu'elle réjoint la grande ligne de partage entre le Save et le Révué. Elle suit cette ligne jusqu'au point d'où se détache le petit contrefort qui renferme au nord la haute vallée du Little Mussapa (ou Mussapa Pegueno) et elle en suit la crête jusqu'au point de cote 5100, d'où elle va directement vers le vrai est en traversant le Petit Mussapa et atteignant la crête du versant oriental du mont Guzane, qu'elle suit jusqu'au méridien 33° longitude est de Greenwich; elle suit enfin ce méridien en coupant le Grand Mussapa (défilé de Chimanimani) jusqu'au point marqué A sur la carte ci-jointe. || 2. Quant à la deuxième section de la frontière comprise entre la fin de la section précédente, et le point où la partie supérieure du versant oriental du plateau coupe le 32° 30' de longitude est de Greenwich, la frontière suit la ligne qui est indiquée sur la carte ci-jointe par les lettres A, B, C, D, E, F, G, H, I, J, L, M, N, O, arrivant ainsi à la rencontre du méridien 32° 30' à peu près au parallèle 20° 42' 17". || 3. Quant à la troisième section qui regarde le territoire qui s'étend de la rencontre du bord du versant oriental avec le 32° 30' à peu près au 20° 42' 17", jusqu'au point où se rencontrent les fleuves Save et Lunde, la ligne suivant le dit méridien 32° 30' va directement au milieu du chenal principal du Save, et puis elle suit ce chenal en amont jusqu'à son confluent avec le Lunde, où termine la frontière soumise à notre Arbitrage. || Une carte qui contient le tracé de la ligne de délimitation conforme à notre décision, signée par nous et munie de notre sceau, est annexée à chacun des deux originaux de notre arrêt dont elle forme partie intégrante.

Fait à Florence, en double original, ce 30 Janvier, 1897.

Signé à l'original:

(L. S.) Paul Honoré Vigliani.

(Signé) Alexandre Corsi, Secrétaire.

Frankreich und der Vatikan im Jahre 1900.

Nr. 12264. **RÖMISCHE KURIE.** — Brief des Papstes an den Erzbischof von Paris über das Gesetz über die Kongregationen*). (Vgl. Europ. Geschkal. Jhrgg. 1900, 1901.)

Rom, 23. Dezember 1900.

Notre cher fils Salut et Bénédiction apostoliques!

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Au milieu des consolations que Nous procurait l'Année Sainte par le pieux empressement des pèlerins accourus à Rome de tous les points du monde, Nous avons éprouvé une amère tristesse en apprenant les dangers qui menacent les Congrégations religieuses en France. — A force de malentendus et de préjugés, on en est venu à penser qu'il serait nécessaire au bien de l'Etat de restreindre leur liberté et peut être même de procéder plus durement contre elles. Le devoir de Notre ministère suprême et l'affection profonde que Nous portons à la France Nous engagent à vous parler de ce grave et important sujet dans l'espoir que, mieux éclairés, les hommes droits et impartiaux reviendront à de plus équitables conseils. En même temps qu'à vous, Nous nous adressons à Nos vénérables frères vos collègues de l'épiscopat français. || Au nom des graves sollicitudes que vous partagez avec Nous, il vous appartient de dissiper les préjugés que vous constatez sur place et d'empêcher, autant qu'il est en vous, d'irréparables malheurs pour l'Eglise et pour la France. || Les Ordres religieux tirent, chacun le sait, leur origine et leur raison d'être de ces sublimes Conseils évangéliques que notre divin Rédempteur adressa, pour tout le cours des siècles, à ceux qui veulent conquérir la perfection chrétienne: âmes fortes et généreuses qui par la prière et la contemplation, par de saintes austérités, par la pratique de certaines règles s'efforcent de monter jusqu'aux plus hauts sommets de la vie spirituelle. Nés sous l'action de l'Eglise dont l'autorité sanctionne leur gouvernement et leur discipline, les Ordres religieux forment une portion choisie du troupeau de Jésus-Christ. Ils sont, suivant la parole de saint Cyprien, l'honneur et la parure de la grâce spirituelle, en même temps qu'ils attestent la sainte fécondité de l'Eglise. || Leurs promesses faites librement et spontanément après avoir été mûries dans les réflexions du noviciat, ont été regardées et respectées par tous les siècles, comme des choses sacrées, sources des plus rares vertus. || Le but de ces engagements est double: d'abord élever les personnes qui les émettent à un

*) Entnommen dem „Gaulois" 31. Dezember 1900.

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plus haut degré de perfection; ensuite les préparer en épurant et en fortifiant leurs âmes, à un ministère extérieur qui s'exerce pour le salut éternel du prochain et pour le soulagement des misères si nombreuses de l'humanité. || Ainsi, travaillant sous la direction suprême du Siège apostolique à réaliser l'idéal de perfection tracé par Notre-Seigneur, et vivant sous des règles qui n'ont absolument rien de contraire à une forme quelconque de gouvernement civil, les instituts religieux coopèrent grandement à la mission de l'Eglise qui consiste essentiellement à sanctifier les âmes et à faire du bien à l'humanité.|| C'est pourquoi, partout où l'Eglise s'est trouvée en possession de sa liberté, partout où a été respecté le droit naturel de tout citoyen de choisir le genre de vie qu'il estime le plus conforme à ses goûts et à son perfectionnement moral, partout aussi les ordres religieux ont surgi comme une production spontanée du sol catholique, et les évêques les ont considérés à bon droit comme des auxiliaires précieux du saint ministère et de la charité chrétienne. || Mais ce n'est pas à l'Eglise seule que les ordres religieux ont rendu d'immenses services dès leur origine: c'est à la société civile elle-même. Ils ont eu le mérite de prêcher la vertu aux foules par l'apostolat de l'exemple autant que par celui de la parole, de former et d'embellir les esprits par l'enseignement des sciences sacrées et profanes et d'accroître même par des œuvres brillantes et durables le patrimoine des beaux-arts. Pendant que leurs docteurs illustraient les Universités par la profondeur et l'étendue de leur savoir, pendant que leurs maisons devenaient le refuge des connaissances divines et humaines et dans le naufrage de la civilisation, sauvaient d'une ruine certaine les chefs-d'œuvre de l'antique sagesse, souvent d'autres religieux s'enfonçaient dans des régions inhospitalières, marécages ou forêts impénétrables, et là, desséchant, défrichant, bravant toutes les fatigues et tous les périls, cultivant, à la sueur de leur front, les âmes en même temps que la terre, ils fondaient autour de leurs monastères et à l'ombre de la croix des centres de population qui devinrent des bourgades ou des villes florissantes, gouvernées avec douceur, où l'agriculture et l'industrie commencèrent à prendre leur essor.

Quand le petit nombre des prêtres ou le besoin des temps l'exigèrent, on vit sortir des cloîtres des légions d'apôtres, éminents par la sainteté et la doctrine, qui apportant vaillamment leur concours aux évêques, exercèrent sur la société l'action la plus heureuse en apaisant les discordes, en étouffant les haines, en ramenant les peuples au sentiment du devoir et en remettant en honneur les principes de la religion et de la civilisation chrétiennes. || Tels sont, brièvement indiqués, les mérites des ordres religieux dans le passé. L'histoire impartiale les a enregistrés, et il est superflu de s'y étendre plus longuement. Ni leur activité, ni leur zèle, ni leur amour du prochain ne se sont amoindris de nos jours. Le bien qu'ils accomplissent frappe tous les yeux, et leurs vertus brillent d'un éclat qu'aucune accusation, qu'aucune attaque n'a pu ternir. || Dans cette noble carrière où les Congrégations religieuses font assaut d'activité bienfaisante, celles de France, Nous le déclarons avec joie

une fois de plus, occupent une place d'honneur. || Les unes, vouées à l'enseignement, inculquent à la jeunesse, en même temps que l'instruction, les principes de religion, de vertu et de devoir sur lesquels reposent essentiellement la tranquillité publique et la prospérité des Etats. Les autres, consacrées aux diverses œuvres de charité, portent un secours efficace à toutes les misères physiques et morales dans les innombrables asiles où elles soignent les malades, les infirmes, les vieillards, les orphelins, les aliénés, les incurables, sans que jamais aucune besogne périlleuse, rebutante et ingrate arrête leur courage ou diminue leur ardeur. || Ces mérites plus d'une fois reconnus par les hommes les moins suspects, plus d'une fois honorés par des récompenses publiques, font de ces congrégations la gloire de l'Eglise tout entière et la gloire particulière et éclatante de la France, qu'elles ont toujours noblement servie et qu'elles aiment avec un patriotisme capable, on l'a vu mille fois d'affronter joyeusement la mort. || Il est évident que la disparition de ces champions de la charité chrétienne causerait au pays d'irréparables dommages. || En tarissant une source si abondante de secours volontaires, elle augmenterait notablement la misère publique, et du même coup cesserait une éloquente prédication de fraternité et de concorde. || A une société où fermentent tant d'éléments de trouble, tant de haines, il faut, en effet, de grands exemples d'abnégation, d'amour et de désintéressement. || Et quoi de plus propre à élever et à pacifier les âmes que le spectacle de ces hommes et de ces femmes qui, sacrifiant une situation heureuse, distinguée et souvent illustre, se font volontairement les frères et les sœurs des enfants du peuple, en pratiquant envers eux l'égalité vraie par le dévouement sans réserve aux déshérités, aux abandonnés et aux souffrants? || Si admirable est l'activité des Congrégations françaises qu'elle n'a pu rester circonscrite aux frontières nationales et qu'elle est allée porter l'Evangile jusqu'aux extrémités du monde, et, avec l'Evangile, le nom, la langue, le prestige de la France. Exilés volontaires, les missionnaires français s'en vont, à travers les tempêtes de l'Océan et les sables du désert, chercher des âmes à conquérir dans des régions lointaines et souvent inexplorées. || On les voit s'établir au milieu des peuplades sauvages pour les civiliser en leur enseignant les éléments du christianisme, l'amour de Dieu et du prochain, le travail, de respect des faibles, les bonnes mœurs; et ils se dévouent ainsi sans attendre aucune récompense terrestre jusqu'à une mort souvent hâtée par les fatigues, le climat ou le fer du bourreau. Respectuenx des lois, soumis aux autorités établies, ils n'apportent, partout où ils passent, que la civilisation et la paix; ils n'ont d'autre ambition que d'éclairer les infortunés auxquels ils s'adressent, et de les amener à la morale chrétienne et au sentiment de leur dignité d'hommes. || Il n'est pas rare, d'ailleurs, qu'ils apportent en outre, d'importantes contributions à la science en aidant aux recherches qui se font sur ses différents domaines: l'étude des variétés de races dans l'espèce humaine, les langues, l'histoire, la nature et les produits du sol et autres questions de ce genre. || C'est précisément sur l'action laborieuse, patiente,

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infatigable de ces admirables missionnaires qu'est principalement fondé le protectorat de la France, que les gouvernements successifs de ce pays ont tous été jaloux de lui conserver, et que Nous-même Nous avons affirmé publiquement. Du reste, l'attachement inviolable des missionnaires français à leur patrie, les services éminents qu'ils lui rendent, la grande influence qu'ils lui assurent, particulièrement en Orient, sont des faits reconnus par des hommes d'opinions très diverses, et naguère encore proclamés solennellement par les voix les plus autorisées. || Dans ces conjunctures, ce ne serait pas seulement répondre à tant de services par une inexplicable ingratitude, ce serait évidemment, renoncer du même coup aux bénéfices qui en dérivent, que d'ôter aux Congrégations religieuses; à l'intérieur, cette liberté et cette paix qui seules peuvent assurer le recrutement de leurs membres et l'œuvre longue et laborieuse de leur formation. D'autres nations en ont fait la douloureuse expérience. Après avoir arrêté à l'intérieur l'expansion des Congrégations religieuses et en avoir tari graduellement la sève, elles ont vu, à l'extérieur, décliner proportionnellement leur influence et leur prestige, car il est impossible de demander des fruits à un arbre dont on a coupé les racines. || Il est facile aussi de voir que tous les grands intérêts engagés dans cette question seraient gravement compromis, même dans le cas où l'on épargnerait les congrégations de missionnaires pour frapper les autres; car, à le bien considérer, l'existence et l'action des unes sont liées à l'existence et à l'action des autres. En effet, la vocation du religieux missionnaire germe et se développe sous la parole du religieux prédicateur, sous la direction pieuse du religieux enseignant et même sous l'influence surnaturelle du religieux contemplatif. || D'ailleurs, on peut s'imaginer la situation pénible qui serait faite aux missionnaires et la diminution que subiraient certainement leur autorité et leur prestige, dès que les peuples qu'ils évangélisent apprendraient que les Congrégations religieuses, loin de trouver dans leur pays protection et respect, y sont traités avec hostilité et rigueur.

Mais, élevant encore la question, nous devons remarquer que les Congrégations religieuses, ainsi que nous l'avons dit plus haut, représentent la pratique publique de la perfection chrétienne; et, s'il est certain qu'il y a et qu'il y aura toujours dans l'Eglise des âmes d'élite pour y aspirer sous l'influence de la grâce, il serait injuste d'entraver leurs desseins. Ce serait attenter à la liberté même de l'Eglise qui est garantie en France par un pacte solennel; car tout ce qui l'empêche de mener les âmes à la perfection nuit au libre exercice de sa mission divine. || Frapper les Ordres religieux, ce serait encore priver l'Eglise de coopérateurs dévoués; d'abord à l'intérieur où ils sont les auxiliaires nécessaires de l'épiscopat et du clergé en exerçant le saint ministère et la fonction de l'enseignement catholique, cet enseignement que l'Eglise a le droit et le devoir de dispenser et qui est réclamé par la conscience des fidèles. || Puis à l'extérieur, où les intérêts généraux de l'apostolat et sa principale force dans toutes les parties du monde sont représentés principalement par les Congrégations françaises. Le coup qui les frapperait aurai

donc un retentissement partout, et le Saint-Siège, tenu par mandat divin de pourvoir à la diffusion de l'Evangile, se verrait dans la nécessité de ne point s'opposer à ce que les vides laissés par les missionnaires français fussent comblés par des missionnaires d'autres nationalités. || Enfin, nous devons faire observer que frapper les Congrégations religieuses ce serait s'éloigner, à leur détriment, de ces principes démocratiques de liberté et d'égalité qui forment actuellement la base du droit constitutionnel en France et y garantissent la liberté individuelle et collective de tous les citoyens, quand leurs actions et leur genre de vie ont un but honnête qui ne lèse les droits et les intérêts légitimes de personne. || Non, dans un état d'une civilisation aussi avancée que la France, Nous ne supposerons pas qu'il n'y ait ni protection ni respect pour une classe de citoyens honnêtes, paisibles, très dévoués à leur pays, qui, possédant tous les droits et remplissant tous les devoirs de leurs compatriotes, ne se proposent, soit dans les vœux qu'ils émettent, soit dans la vie qu'ils mènent au grand jour, que de travailler à leur perfection et au bien du prochain, sans rien demander que la liberté! Les mesures prises contre eux paraîtraient d'autant plus injustes et odieuses que, dans le même moment, on traiterait bien différement des sociétés d'un tout autre genre. || Nous n'ignorons pas que, pour colorer ces rigueurs, il en est qui vont répétant que les Congrégations religieuses empiètent sur la juridiction des évêques et lèsent les droits du clergé séculier. Cette assertion ne peut se soutenir si l'on veut se reporter aux sages lois édictées sur ce point par l'Eglise et que nous avons voulu rappeler récemment. En parfaite harmonie avec les dispositions et l'esprit du Concile de Trente, tandis qu'elles règlent d'un côté les conditions d'existence des personnes vouées à la pratique des conseils évangéliques et à l'apostolat, d'autre part elles respectent autant qu'il convient l'autorité des évêques dans leurs diocèses respectifs. || Tout en sauvegardant la dépendance due au chef de l'Eglise, elles ne manquent pas, en beaucoup de cas, d'attribuer aux évêques son autorité suprême sur les Congrégations par voie de délégation apostolique. Quant à représenter l'épiscopat et le clergé français comme disposés à accueillir favorablement l'ostracisme dont on voudrait frapper les Congrégations religieuses, c'est une injure que les évêques et les prêtres ne peuvent que repousser de toute l'énergie de leur âme sacerdotale. || Il n'y a pas lieu de donner plus d'importance à l'autre reproche qu'on fait aux Congrégations religieuses, de posséder trop de richesses. || En admettant que la valeur attribuée à leurs propriétés ne soit pas exagérée, on ne peut contester qu'elles possèdent honnêtement et légalement, et que, par conséquent, les dépouiller serait attenter au droit de propriété. || Il faut considérer en outre qu'elles ne possèdent point dans l'intérêt personnel et pour le bien-être des particuliers qui les composent, mais pour des œuvres de religion, de charité et de bienfaisance qui tournent au profit de la nation française, soit au dedans, soit au dehors où elles vont rehausser son prestige en contribuant à la mission civilisatrice que la Providence lui a confiée.

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Passant sous silence d'autres considérations que l'on fait au sujet des Congrégations religieuses, Nous nous bornons à cette importante remarque: la France entretient avec le Saint-Siège des rapports amicaux fondés sur un traité solennel. Si donc les inconvénients que l'on indique ont sur tel ou tel point quelque réalité, la voie est tout ouverte pour les signaler au Saint-Siège qui est disposé à les prendre en sérieux examen et à leur appliquer, s'il y a lieu, des remèdes opportuns. || Nous voulons, cependant, compter sur l'équitable impartialité des hommes qui président aux destinées de la France et sur la droiture et le bon sens qui distinguent le peuple français. Nous avons la confiance qu'on ne voudra pas perdre le précieux patrimoine moral et social que représentent les Congrégations religieuses; qu'on ne voudra pas, en attentant à la liberté commune par des lois d'exception, blesser le sentiment des catholiques français, et aggraver les discordes intérieures du pays, à son grand détriment. || Une nation n'est vraiment grande et forte, elle ne peut regarder l'avenir avec sécurité que si, dans le respect des droits de tous et dans la tranquillité des consciences, les volontés s'unissent étroitement pour concourir au bien général. Depuis le commencement de Notre Pontificat, Nous n'avons omis aucun effort pour réaliser en France cette œuvre de pacification qui lui aurait procuré d'incalculables avantages, non seulement dans l'ordre religieux, mais encore dans l'ordre civil et politique. || Nous n'avons pas reculé devant les difficultés, nous n'avons cessé de donner à la France des preuves particulières de déférence, de sollicitude et d'amour, comptant toujours qu'elle y répondrait comme il convient à une nation grande et généreuse. || Nous éprouverions une extrême douleur si, arrivé au soir de notre vie, Nous nous trouvions déçu dans ces espérances, frustré du prix de nos sollicitudes paternelles et condamné à voir dans le pays que Nous aimons les passions et les partis lutter avec plus d'acharnement sans pouvoir mesurer jusqu'où iraient leurs excès ni conjurer les malheurs que Nous avons tout fait pour empêcher et dont Nous déclinons à l'avance le responsabilité. || En tout cas, l'œuvre qui s'impose en ce moment aux évêques français, c'est de travailler dans une parfaite harmonie de vues et d'action à éclairer les esprits pour sauver les droits et les intérêts des Congrégations religieuses, que Nous aimons de tout Notre cœur paternel et dont l'existence, la liberté, la prosperité importent à l'Eglise catholique, à la France et à l'humanité.

Daigne le Seigneur exaucer Nos vœux ardents et couronner les démarches que Nous faisons depuis longtemps déjà pour cette noble cause! Et comme gage de Notre bienveillance et des faveurs divines, Nous vous accordons, bien-aimé Fils, à vous, à tout l'épiscopat, à tout le clergé et à tout le peuple de France, la bénédiction apostolique.

Donné à Rome, près de Saint-Pierre, le 23 décembre de l'an 1900, de Notre Pontificat le vingttroisième. Leo PP. XIII.

Nr. 12265. RÖMISCHE KURIE. — Äufserungen des Papstes über die kirchlichen Zustände in Frankreich. (Bericht von Henri des Houx im „Matin“ vom 29. Dezember 1900.)

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L'an dernier, au mois d'avril, le Pape m'avait déjà fait l'insigne honneur de me recevoir et, alors, j'avais trouvé le Saint-Père encore affaibli par la cruelle opération qu'il venait de subir. Il faisait appel à toute son énergie morale pour relever ses forces défaillantes. Depuis cette douloureuse convalescence, un merveilleux changement s'est accompli dans la personne du Souverain-Pontife. C'est plus qu'une résurrection: un rajeunissement. || Cependant, les fatigues de l'année sainte ont été rudes. Chaque jour, le Pape accorde de longues audiences privées ou collectives; une fois par semaine, au moins, il préside à quelque cérémonie ou reçoit quelque pèlerinage dans Saint-Pierre.

Vigoureuse vieillesse.

Le 30 novembre dernier, répondant à une gracieuse invitation de Sa Sainteté, j'ai assisté à une de ces grandioses réceptions dans la basilique vaticane. Acclamé par soixante mille voix, porté comme un triomphateur au milieu d'un immense peuple, le frêle vieillard supportait, sans fléchir, le fracas de ces clameurs, le bruyant témoignage de l'enthousiasme des foules qui trouble et parfois accable les plus robustes. Il souriait, il bénissait sans se lasser; il se soulevait sur sa Sedia, afin que son geste portât plus loin. Monté à l'autel papal, il chanta, d'une voix encore ferme, le solennel Benedicat vos. || Son extrême pâleur s'harmonisait avec la blancheur du vêtement sacré. Il apparaissait, de loin, comme un point blanc au-dessus de la multitude, comme une forme humaine, plutôt que comme un homme, élevé entre la terre et le ciel. Mais, sous cette chétive enveloppe, on devinait l'âme „maîtresse du corps“, l'invincible volonté qui domine la matière. || Le dimanche suivant, je recevais dans la matinée un billet du maître de l'antichambre pontificale, et, à onze heures et demie, j'étais introduit, avec le cérémonial que j'ai maintes fois décrit, dans l'appartement privé de celui en qui trois cents millions de fidèles saluent le „Vicaire du Christ sur la terre“. Je me trouvais seul en face du souverain devant lequel s'inclinent les têtes couronnées, devant l'homme qui est presque tout esprit. || Le respect inspiré par celui qui est l'objet d'une si universelle vénération est encore plus profond et plus attendri quand l'âge a atténué, autant que possible, en son être, tout ce qui rappelle l'humanité. La puissance morale, alliée à cette faiblesse physique, est plus majestueuse. En outre, les années ont apporté à ce nonagénaire un supplément de gloire personnelle. Depuis vingt-deux ans, Léon XIII s'est avancé dans la confiance des princes et dans l'admiration des peuples. Son histoire, dont la grandeur effraie l'audacieux qui a entrepris de l'écrire, s'enrichit sans cesse d'efforts toujours plus nobles et d'actes plus bienfaisants. || Aussi, chaque fois que, depuis dix-huit ans, j'ai eu l'honneur d'approcher Léon XIII, j'ai ressenti à ses pieds une

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émotion plus vive, je me suis reconnu plus petit en face de l'homme qui continue à s'élever en vertus et en mérites. || Le renouvellement de l'impression, au lieu de l'affaiblir, la rend plus pénétrante. En même temps, à mesure que les bornes de la vie se reculent devant l'auguste vieillard, la grâce souveraine, qui a toujours marqué l'accueil de Léon XIII, s'est empreinte d'un caractère encore plus paternel, plus tendre, plus communicatif. || Après m'avoir longuement entretenu de mes travaux, de ma famille, du premier volume de sa vie, dont je lui avais fait hommage, et de la suite de l'ouvrage, le Souverain-Pontife aborda le sujet qui remplissait sa pensée, qui, pour ainsi dire, débordait de son cœur, et mêlait une tristesse aux joies de l'année jubilaire. || — De tous les points de l'univers, a dit Léon XIII, des témoignages de fidélité ont afflué vers le tombeau des Apôtres et les sanctuaires romains. Votre nation s'est distinguée, comme toujours, par la ferveur de son zèle et de sa foi. Elle a continué, par les pèlerinages venus de toutes ses provinces, à justifier ma prédilection. Il n'est pas de peuple qui, en son ensemble, soit demeuré plus étroitement uni au Siège apostolique et plus fermement attaché aux croyances qui, dans le passé, ont contribué à sa force et à sa grandeur. || Pourtant, je ne puis songer sans amertume aux entreprises que les sectes antichrétiennes dirigent en ce moment contre votre pays sans que votre gouvernement s'y oppose, tout au contraire. || Les égards personnels que, avant et après son arrivée au pouvoir, m'avait témoignés le président du conseil des ministres français m'avaient laissé espérer toute autre chose.

L'inquiétude du Pontife.

Je me souviens que, l'an passé, j'avais exprimé devant vous mes inquiétudes au sujet des projets de loi scolaire. Vous m'aviez fait espérer que, sans mon intervention, il se trouverait sans doute dans le parti républicain une majorité qui s'opposerait à des lois restrictives de la liberté. J'ai pris patience. || Mais après le discours de M. Waldeck-Rousseau à Toulouse, en présence du projet sur les associations, je ne puis plus me taire. Mon devoir apostolique m'ordonne de parler. Les catholiques français sauront que leur Père ne les abandonne pas, qu'il souffre avec eux de leurs épreuves et qu'il encourage leurs généreux efforts pour le bon droit et la liberté. Ils n'ignorent pas que le Pape n'a pas cessé un jour de travailler pour leur bien et celui de l'Eglise, adaptant les moyens à l'utilité du résultat. Le pilote est juge de la manœuvre: tantôt il semble louvoyer devant la tempête, tantôt il doit y faire front. Mais toujours son attention est tendue vers le port. || Eh bien! le Pape ne peut consentir à ce que le gouvernement français détourne le Concordat de l'esprit qui l'a dicté, et transforme un instrument de paix et de justice en instrument de guerre et d'oppression. || Le Concordat a établi et réglé en France l'exercice du culte catholique, défini entre l'Eglise et l'Etat français des droits et des devoirs mutuels. || Or, les ordres religieux font partie intégrante de l'Eglise apostolique, au même titre que le clergé séculier. Ils

existent en vertu des constitutions que leur a données le Saint-Siège. Ils exercent une mission spéciale, différente, mais non moins sacrée que celle des pasteurs reconnus par l'Etat. Attenter à leur existence, c'est frapper l'Eglise, la mutiler, restreindre ses bienfaits.

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Le respect du Concordat.

Le Concordat ne l'a pas voulu ainsi. C'est méconnaitre ce traité que de déclarer illégal et d'interdire tout ce qu'il n'a pu ni régler ni prévoir. Le Concordat est muet sur les ordres religieux. Cela veut dire que le clergé régulier ne participe pas aux droits spéciaux et aux privilèges relatifs que le Concordat reconnaît aux membres de la hiérarchie ecclésiastique séculière. Cela ne veut pas dire que les ordres religieux doivent être exclus du droit commun et mis au ban de l'Etat. || Qu'est-ce que le projet du gouvernement, encore aggravé par le rapporteur Trouillot, sinon un ensemble de mesures qui n'ont d'autre but que de dissoudre et de spolier les ordres, un code d'exceptions et d'exclusions, destiné à être appliqué à une certaine classe de citoyens, à raison de leur caractère religieux? Tel est, d'ailleurs, le but avoué, que dis-je? proclamé par les auteurs de la loi. || Il n'avait pas été besoin de mentionner les ordres dans le Concordat, parce que ces pieuses communautés pouvaient vivre à l'abri des droits égaux reconnus aux hommes et aux citoyens par les actes fondamentaux de vos constitutions. Mais si ces déclarations solennelles supportent une exception au détriment de quelques citoyens, c'est une iniquité à l'egard de l'Eglise, une infraction aux intentions des négociateurs de 1801.

Rien que le droit commun.

Considérez les pays avec lesquels le Saint-Siège n'a pas signé de concordat, et même les pays protestants, tels que l'Angleterre, les Etats-Unis et tant d'autres, est-ce que les ordres religieux y sont exclus des libertés reconnues aux autres citoyens? Est-ce qu'ils n'y vivent pas, sans être inquiétés? Et, c'est là peut-être qu'ils retourneraient, comme aux mauvais jours de la Terreur, pour trouver un refuge contre l'iniquité de la France catholique! Seulement, depuis lors, la France est devenue concordataire, et elle semble l'oublier. || Mais ni en Angleterre, ni aux Etats-Unis, ni ailleurs, jamais l'Etat n'a reçu de l'existence des communautés religieuses aucun embarras, aucun dommage. Jamais, en observant les règles qui leur sont particulières, ces communautés n'ont troublé l'ordre public. || A la France, comme aux autres Etats, je ne demande pour les congrégations que la libre existence, sous l'empire des lois générales appliquées à tous les citoyens. Elles n'ont besoin ni de faveur, ni de privilèges, mais seulement du droit commun. || Les ai-je jamais encouragées à s'immiscer dans la politique contingente et dans les querelles des partis? Lorsque le gouvernement français a fait valoir contre quelqu'une d'entre elles des sujets de plaintes, suis-je intervenu autrement que pour réprimer les écarts et pour pacifier? || Mais, à présent, on dirige contre les ordres une loi qui

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est la négation de toutes les lois de liberté. On prétend les exclure, non seulement du droit de propriété, mais du droit à l'existence; c'est les mettre hors la loi commune. || Avant de se résoudre à un tel parti, votre gouvernement a-t-il songé aux conséquences de l'acte qu'il prépare, conséquences qui ne manqueraient pas d'être fatales à la France et contraires à ses intérêts les plus graves?

La fonction de la France.

Pourquoi la France figure-t-elle, en ce moment, à côté des grandes nations dans le concert des puissances qui règlent la question chinoise? D'où votre ministère des affaires étrangères et votre représentant à Pékin tiennent-ils cette autorité, qui fait prévaloir leur avis dans l'assemblée des plénipotentiaires? Quel intérêt avez-vous dans le nord de la Chine? Y êtes-vous les premiers pour le commerce et l'industrie? Avez-vous là-bas beaucoup de trafiquants à protéger? Non; mais vous êtes là-bas les plus nobles champions de la civilisation chrétienne; vous êtes les protecteurs des missions catholiques.|| Vos rivaux étrangers vous jalousent pour cette situation privilégiée; ils cherchent à vous disputer les droits que vous tenez des traités qui vous assignent le rôle de défenseurs des missions et des chrétientés indigènes. C'est pourquoi vous avez entendu des hommes d'Etat, peu amis de la France, calomnier les missions catholiques, les accuser d'être la cause des maux déchaînés en Chine. Le but de ces discours, c'est de ruiner en Extrême-Orient la raison de votre influence, de déconsidérer les institutions dont vous avez la garde, de vous arracher votre prééminence pour la faire passer aux mains de ceux qui n'ont à protéger que des négociants et des entrepreneurs. Je m'étonne que ces calomnies étrangères, et visiblement intéressées, aient trouvé chez vous de complaisants colporteurs. Ceux-ci ne se doutent pas qu'en accréditant de pareilles fables ils font le jeu des puissances qu'offusque le rayonnement de la France dans le monde. || Mais, jusqu'ici, vos gouvernements avaient mieux compris l'importance de leurs droits. C'est au nom des traités qui les garantissent qu'ils ont protesté auprès de moi, quand l'empereur de la Chine m'a demandé de nouer des relations diplomatiques avec le Saint-Siège. || Sur l'insistance de M. de Freycinet, votre ministre d'alors, j'ai refusé, tant je craignais que la France pût croire, même à tort, que je voulusse diminuer en rien son prestige, son influence et sa force! || Dans le Levant, à Constantinople, en Syrie, dans le Liban, que restera-t-il de la situation éminente occupée par votre ambassadeur et vos consuls, si la France renonce à y représenter les droits de la Chrétienté? || Ces privilèges qui font votre légitime orgueil, qui entretiennent chez les nations barbares le respect et la crainte de votre nom, vous les tenez des établissements chrétiens fondés et entretenus par vos missionnaires, des œuvres chrétiennes que vous soutenez et protégez.

Contradiction flagrante.

Ce qui empêche votre droit de se prescrire, ce qui le fait survivre aux rois et aux régimes qui ont signé les traités, c'est que votre race est encore

la plus féconde de toutes pour l'apostolat chrétien, c'est que vos nationaux peuplent encore en grand nombre ces établissements que vous protégez, c'est que le sang de vos martyrs a arrosé, arrose encore ces terres lointaines. || On veut tarir en votre pays cette fécondité, abdiquer cette fonction sublime, renoncer à cette prééminence. || Si votre gouvernement réussissait à détruire absolument l'esprit chrétien et les dévouements qu'il suscite, c'est en vain qu'il prétendrait épargner ou mettre à part de la proscription quelques instituts de mission, munis d'autorisation spéciale. Il paralyserait le recrutement de ces instituts et les ressources nécessaires à leur entretien comme à leur expansion. Supprimez l'esprit de sacrifice et de dévouement, étouffez la foi qui fait les apôtres, la charité qui pourvoit aux besoins de la propagande; supprimez la discipline régulière, qui seule accoutume les âmes au renoncement, où trouverez-vous des missionaires et des martyrs? Comparez les autres missions aux missions catholiques! || La France n'étant plus chrétienne ne serait plus la France expansive; elle souscrirait elle-même à la déchéance désirée par ses ennemis. || Par une singulière contradiction, le gouvernement français voudrait-il continuer à se prévaloir au dehors de ses titres anciens, tandis qu'il creuserait un abîme entre sa politique intérieure et sa politique extérieure? Mais, le jour où la France n'aurait plus à protéger, hors d'Europe, que des missionaires et des établissements étrangers, ceux-ci rejetteraient, à coup sûr, une tutelle injustifiée. On ne peut persécuter ici et protéger là-bas, favoriser, sur son propre territoire, les sectes antichrétiennes et les combattre en Chine!

Les conseils d'un ami.

Le Pape ne peut être indifférent aux suites d'une politique sectaire, contraire aux vœux de la nation, soutenue par des hommes imprévoyants, dont il importe de dessiller l'aveuglement. || Comment ferai-je entendre ma voix? J'avais songé à faire allusion aux inquiétudes qui me viennent de France dans l'allocution consistoriale du 17 décembre. La mauvaise foi des parties n'eût pas manqué de dénoncer l'immixtion d'un souverain étranger dans les affaires intérieures, comme si le chef de l'Eglise était étranger en aucun pays où il y a des fidèles et une hiérarchie catholique, et comme si un ami sincère et dévoué pouvait être un étranger! || J'aviserai. J'éviterai toute forme trop solennelle ou trop sévère qui provoquerait les adversaires et pourrait gêner ceux qui, en dehors de toute foi religieuse, combattront la loi, au nom des principes du droit et de la liberté naturelle. Mais je saurai faire comprendre à tous que les conseils du Pape sont ceux d'un ami, à qui la prospérité de la France est chère et précieuse, en vertu même des intérêts sacrés dont il a la garde. || N'ai-je pas donné à votre nation des gages suffisants de mon affection paternelle? M. Waldeck-Rousseau, en son discours de Toulouse, parlait de l'unité morale de la France? Qui, plus que moi, y a travaillé? N'ai-je pas énergiquement conseillé aux catholiques de cesser toute lutte contre les institutions que votre peuple s'est librement données et auxquelles il de-

Nr. 12265. Römische Kurie. Dezember 1900.

meure attaché? N'ai-je pas engagé les catholiques à servir la république au lieu de la combattre? J'ai rencontré auprès d'eux de vives résistances; mais je crois que leur manque d'union et de leur manque et de leur imparfaite déférence à mes avis. || Le gouvernement républicain sait, du moins, jusqu'à quel point mon autorité a été efficace pour réaliser la paix publique et cette unité morale, qu'on proclame au moment même où on la menace gravement! Il m'en a remercié plus d'une fois. Si l'autorité pontificale n'a pu accomplir absolument l'union tant désirée, je n'y ai épargné, du moins, aucun effort. || Veut-on refaire, à présent, l'union des catholiques contre la république?

Les deux républiques.

Comment pourrais-je empêcher cela si, à la place de la république libérale, équitable, ouverte à tous, à laquelle j'ai convié les catholiques à se rallier, on substituait une république étroite, sectaire, gouvernée par une faction haineuse, régie par des lois d'exception et de spoliation, répugnante à toutes les consciences honnêtes et droites, à la générosité traditionnelle de la France? || Veut-on qu'une telle république obtienne le respect d'un seul catholique et la bénédiction du Souverain-Pontife? || J'espère encore que la France s'épargnera de semblables crises, et que son gouvernement ne renoncera pas aux services que j'ai pu et que je peux encore lui rendre. Par exemple, à plusieurs reprises, et récemment encore, j'ai été sollicité par le chef d'un puissant Etat de permettre qu'il ne fût pas tenu compte des droits de la France en Orient et en Extrême-Orient. Bien qu'on offrit des compensations à l'Eglise et au Saint-Siège, j'ai voulu que le droît de la France demeurât intact, parce que c'est un droit indiscutable, que la France n'a pas laissé prescrire. Mais si on ruine et supprime dans votre pays les ordres religieux, sans lesquels aucune expansion catholique n'est possible, que répondrai-je, le jour où on renouvellerait auprès de moi de pareilles tentatives? Le Pape sera-t-il seul à défendre des privilèges dont font si bon marché ceux qui les possèdent? || La situation extérieure de la France est convoitée par ses rivaux. L'héritage qu'elle abandonnera ne sera pas un seul jour en déshérence. Pour l'obtenir, ceux qui y prétendent n'hésiteront pas aussitôt à prendre le contre-pied de la politique française. Ils ne marchanderont aucune liberté à l'Eglise et aux ordres que vous aurez dispersés, dépouillés et expulsés, ni même aucun appui moral au Pontife romain. Il en est, parmi ceux qui briguent au dehors la succession de l'influence française, qui ont essayé eux-mêmes, autrefois, la politique de persécution. Elle leur à été plus fatale qu'à l'Eglise et ils y ont bientôt renoncé. Que leur exemple vous profite!

Vœux de long règne!

Parce que j'aime la France, parce que je veux rester fidèle à la politique que j'ai suivie à son égard et qui m'a valu tant de contradictions, je désire la détourner des écueils dont elle s'approche. Elevé par mon magis-

tère au-dessus des couronnes et des Etats, je n'ai d'autre souci que celui des troupeaux que mon Maître m'a confiés. C'est avec tendresse que je rappelle ceux qui s'égarent et qui courent à l'abîme. || Tandis que le Souverain-Pontife parlait ainsi, une flamme humide brillait dans ses yeux si expressifs et si mobiles; son pâle visage semblait s'éclairer d'un feu intérieur. C'était un spectacle admirable que celui de ce vieillard, rassemblant toutes ses forces pour justifier les actes les plus controversés de son administration pour sauver de la ruine l'œuvre de pacification politique et religieuse qu'il a entreprise en France. || Il m'a semblé que je devais à mon pays et au gouvernement de la république de relater ce mémorable entretien. Ma plume a été sans doute inhabile à traduire l'expression profonde des paroles pontificales, à rendre toutes les nuances infinies d'une éloquence remarquable par la précision réfléchie et par la mesure calculée des termes. Enfin, c'est à ma mémoire seulement que j'ai fait appel, et ma mémoire ne peut engager la responsabilité d'un si auguste interlocuteur. || Je garantis seulement que tel fut le sens du discours, tels furent les sentiments que Léon XIII a daigné librement exprimer devant un humble journaliste. Si j'ai, malgré moi, affaibli la portée des paroles, je n'aurai pas trahi l'intention. || Il faut ajouter une impression très nette que je rapporte de mon séjour à Rome. Ayant conversé avec nombre de cardinaux et de prélats influents, je puis dire que tous les bons Français, à quelque parti qu'ils appartiennent, doivent faire des vœux pour que Léon XIII ait encore longue vie et long règne, et que le futur conclave soit lointain, très lointain. Autour du Saint-Siège, notre pays ne compte pas d'amis plus indulgents et plus dévoués que Léon XIII. || La parfaite santé du Pontife, l'intégrité absolue de tous ses organes, une vigueur qui défie les atteintes du temps nous permettent d'espérer que nos vœux seront accomplis.

Aktenstücke zur Geschichte des Südafrikan. Krieges 1900.*)

I. Depeschenwechsel zwischen den Präsidenten der Südafrikanischen Republik und des Oranje-Freistaats mit Lord Salisbury über die Beendigung des Krieges. März 1900.

Nr. 12266. SÜDAFRIKAN. REPUBLIK und ORANJE-FREISTAAT. — Die Präsidenten an Lord Salisbury. Sie sind zum Frieden bereit unter der Bedingung voller Unabhängigkeit.

Bloemfontein, March 5, 1900. (Received March 6.)

Nr. 12266. Südafrikan. Republik und Oranje-Freistaat. 5. März 1900.

(Translation.) || (Telegraphic.) || The blood and the tears of the thousands who have suffered by this war, and the prospect of all the moral and economic ruin with which South Africa is now threatened, make it necessary for both belligerents to ask themselves dispassionately, and as in the sight of the Triune God, for what they are fighting, and whether the aim of each justifies all this appalling misery and devastation. || With this object, and in view of the assertions of various British statesmen to the effect that this war was begun and is being carried on with the set purpose of undermining Her Majesty's authority in South Africa, and of setting up an Administration over all South Africa independent of Her Majesty's Government, we consider it our duty solemnly to declare that this war was undertaken solely as a defensive measure to safeguard the threatened independence of the South African Republic, and is only continued in order to secure and safeguard the incontestable independence of both Republics as sovereign international States, and to obtain the assurance that those of Her Majesty's subjects who have taken part with us in this war shall suffer no harm whatsoever in person or property. || On these conditions, but on these conditions alone, are we now, as in the past, desirous of seeing peace re-established in South Africa, and of putting an end to the evils now reigning over South Africa; while, if Her Majesty's Government is determined to destroy the independence of the Republics, there is nothing left to us and to our people but to persevere to the

*) Blaubücher Cd. 35, 426, 457. Vgl. Europ. Geschichtskalender 1900 Übersicht. Red.

end in the course already begun, in spite of the overwhelming pre-eminence of the British Empire, confident that that God who lighted the unextinguishable fire of the love of freedom in the hearts of ourselves and of our fathers will not forsake us, but will accomplish His work in us and in our descendants. || We hesitated to make this declaration earlier to your Excellency, as we feared that as long as the advantage was always on our side, and as long as our forces held defensive positions far in Her Majesty's Colonies, such a declaration might hurt the feelings of honour of the British people; but now that the prestige of the British Empire may be considered to be assured by the capture of one of our forces by Her Majesty's troops, and that we are thereby forced to evacuate other positions which our forces had occupied, that difficulty is over, and we can no longer hesitate clearly to inform your Government and people in the sight of the whole civilized world why we are fighting, and on what conditions we are ready to restore peace.

Nr. 12266. Südafrikan. Republik und Oranje-Freistaat. 5. März 1900.

Nr. 12267. GROSSBRITANNIEN. — Lord Salisbury an die Präsidenten Krüger und Steijn. Lehnt die Unabhängigkeit der Burenstaaten ab.

Foreign Office, March 11, 1900.

Nr. 12267. Grofsbritannien. 11. März 1900.

(Telegraphic.) I Have the honour to acknowledge your Honours' telegram dated the 5th of March from Bloemfontein, of which the purport is principally to demand that Her Majesty's Government shall recognize the „incontestable independence" of the South African Republic and Orange Free State „as sovereign international States," and to offer, on those terms, to bring the war to a conclusion. || In the beginning of October last, peace existed between Her Majesty and the two Republics under the Conventions which then were in existence. A discussion had been proceeding for some months between Her Majesty's Government and the South African Republic, of which the object was to obtain redress for certain very serious grievances under which British residents in the South African Republic were suffering. In the course of those negotiations, the South African Republic had, to the knowledge of Her Majesty's Government, made considerable armaments, and the latter had, consequently, taken steps to provide corresponding reinforcements to the British garrisons of Cape Town and Natal. No infringement of the rights guaranteed by the Conventions had, up to that point, taken place on the British side. Suddenly, at two days notice, the South African Republic, after issuing an insulting ultimatum, declared war upon Her Majesty; and the Orange Free State, with whom there had not even been any discussion, took a similar step. Her Majesty's dominions were immediately invaded by the two Republics, siege was laid to three towns within the British frontier, a large portion of the two Colonies was overrun, with great destruction to property and life, and the Republics claimed to treat the inhabitants of extensive portions of Her Majesty's

Nr. 12267. Grofsbritannien. 11. März 1900. dominions as if those dominions had been annexed to one or other of them. In anticipation of these operations the South African Republic had been accumulating for many years past military stores on an enormous scale, which, by their character, could only have been intended for use against Great Britain. || Your Honours make some observations of a negative character upon the object with which these preparations were made. I do not think it necessary to discuss the questions you have raised. But the result of these preparations, carried on with great secrecy, has been that the British Empire has been compelled to confront an invasion which has entailed upon the Empire a costly war and the loss of thousands of precious lives. This great calamity has been the penalty which Great Britain has suffered for having in recent years acquiesced in the existence of the two Republics. || In view of the use to which the two Republics have put the position which was given to them, and the calamities which their unprovoked attack has inflicted upon Her Majesty's dominions, Her Majesty's Government can only answer your Honours' telegram by saying that they are not prepared to assent to the independence either of the South African Republic or of the Orange Free State.

II. Proklamationen von Lord Roberts.

Nr. 12268. An die Bürger des Oranje-Freistaats. Anklage gegen die Regierung.

Nr. 12268. Februar 1900. The British troops under my command having entered the Orange Free State, I feel it my duty to make known to all Burghers the cause of our coming, as well as to do all in my power to put an end to the devastation caused by this war, so that, should they continue the war, the inhabitants of the Orange Free State may not do so ignorantly, but with full knowledge of their responsibility before God for the lives lost in the campaign. || Before the war began the British Government, which had always desired and cultivated peace and friendship with the people of the Orange Free State, gave a solemn assurance to President Steyn that, if the Orange Free State remained neutral, its territory would not be invaded, and its independence would be at all times fully respected by Her Majesty's Government. || In spite of that declaration, the Government of the Orange Free State was guilty of a wanton and unjustifiable invasion of British territory. || The British Government believes that this act of aggression was not committed with the general approval and free will of a people with whom it has lived in complete amity for so many years. It believes that the responsibility rests wholly with the Government of the Orange Free State, acting, not in the interests of the country, but under mischievous influences from without. The British Government, therefore, wishes the people of the Orange Free State to understand that it bears them no ill-will, and, as far as is compatible with the successful conduct of the war, and the re-establishment of peace in South Africa, it is

Nr 12268. Februar 1900.

anxious to preserve them from the evils brought upon them by the wrongful action of their Government. || I therefore warn all Burghers to desist from any further hostility towards Her Majesty's Government and the troops under my command, and I undertake that any of them, who may so desist and who are found staying in their homes and quietly pursuing their ordinary occupations, will not be made to suffer in their persons or property on account of their having taken up arms in obedience to the order of their Government. Those, however, who oppose the forces under my command, or furnish the enemy with supplies or information, will be dealt with according to the customs of war. || Requisitions for food, forage, fuel, or shelter, made on the authority of the Officers in command of Her Majesty's troops, must be at once complied with; but everything will be paid for on the spot, prices being regulated by the local market rates. If the inhabitants of any district refuse to comply with the demands made on them, the supplies will be taken by force, a full receipt being given. || Should any inhabitant of the country consider that he or any member of his household has been unjustly treated by any Officer, soldier, or civilian attached to the British Army, he should submit his complaint, either personally or in writing, to my Head-quarters or to the Head-quarters of the nearest General Officer. Should the complaint on enquiry, be substantiated, redress will be given. || Orders have been issued by me, prohibiting soldiers from entering private houses, or molesting the civil population on any pretext whatever, and every precaution has been taken against injury to property on the part of any person belonging to, or connected with, the Army.

February 1900. Roberts, Field-Marshal,
Commanding in Chief, South Africa.

Nr. 12269. An Dieselben. Aufforderung die Waffen niederzulegen und einen Neutralitätseid zu leisten.

Nr. 12269. 15. März 1900.

In continuation of the Proclamation which I issued when the British troops under my command entered the Orange Free State, in which I warned all Burghers to desist from any further hostility, and undertook that those of them who might so desist, and were staying in their homes and quietly pursuing their ordinary occupations, would not be made to suffer in their persons or property on account of their having taken up arms in obedience to the order of their Government, I now make known to all Burghers that I have been authorized by the Government of Her Most Gracious Majesty the Queen to offer the following terms to those of them who have been engaged in the present war:— || All Burghers who have not taken a prominent part in the policy which has led to the war between Her Majesty and the Orange Free State, or commanded any forces of the Republic, or commandeered or

Nr. 12269. 15. März 1900. used violence to any British subjects, and who are willing to lay down their arms at once, and to bind themselves by an oath to abstain from further participation in the war, will be given passes to allow them to return to their homes and will not be made prisoners of war, nor will their property be taken from them.

Roberts, Field-Marshal,
Commanding in Chief Her Majesty's Forces
in South Africa.

Government House, Bloemfontein,
15th March 1900.

Nr. 12270. An die Einwohner der Distrikte Albert, Steynsburg, Molteno, Wodehouse, Aliwal North, Barkly East, und Colesberg. Warnung sich dem Feinde anzuschliefsen.

Nr. 12270. 9. April 1900. On the recent retirement of the enemy to the north of the Orange River, the rebels who had joined them in the northern districts of the Cape Colony were treated by Her Majesty's Government with great leniency in being permitted, if not the ringleaders of disaffection, to return to their farms on the condition of surrendering their arms and of being liable to be called to account for their past conduct. || I now warn the inhabitants of the northern districts, and more particularly those who were misguided enough to join or assist the enemy, that, in the event of their committing any further act of hostility against Her Majesty, they will be treated, as regards both their persons and property, with the utmost rigour, and the extreme penalties of Martial Law will be enforced against them.

Roberts, Field-Marshal,
Commander-in-Chief, South Africa.

Army-Head-quarters,
Bloemfontein, 9th April 1900.

Nr. 12271. Annexion des Oranje-Freistaats unter dem Namen „Orange-River Colony".

24. Mai 1900.

Nr. 12271. 24. Mai 1900. Whereas, certain territories in South Africa, heretofore known as the Orange Free State, have been conquered by Her Majesty's Forces, and it has seemed expedient to Her Majesty that the said territories should be annexed to, and should henceforth form part of Her Majesty's dominions, and that I should provisionally, and until Her Majesty's pleasure is more fully known, be appointed Administrator of the said territories with power to take all such measures and to make and enforce such laws as I may deem necessary for

the peace, order and good government of the said territories. || Now, therefore, I, Frederick Sleigh, Baron Roberts of Kandahar, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Field-Marshal and Commanding in Chief the British Forces in South Africa, by Her Majesty's command, and in virtue of the power and authority conferred upon me in that behalf by Her Majesty's Royal Commission, dated the 21st day of May 1900, and in accordance with Her Majesty's instructions thereby and otherwise signified to me, do proclaim and make known that, from and after the publication hereof, the territories known as the Orange Free State are annexed to and form part of Her Majesty's dominions, and that, provisionally, and until Her Majesty's pleasure is fully declared, the said territories will be administered by me with such powers as aforesaid. || Her Majesty is pleased to direct that the new territories shall henceforth be known as the Orange River Colony.

Nr. 12271. 24. Mai 1900.

God Save the Queen.

Given under my hand and seal at the Head-quarters of the Army in South Africa, Camp south of the Vaal River, in the said territories, this 24th day of May, in the year of our Lord 1900.

Roberts, Field-Marshal,
Commanding in Chief
Her Majesty's Forces in South Africa.

Nr. 12272. An die Einwohner der Südafrikanischen Republik. Aufforderung einen Neutralitätseid zu leisten.

31. Mai 1900.

Nr. 12272. 31. Mai 1900.

Whereas the Forces of Her Majesty the Queen under my command have entered the territory of the South African Republic, and whereas false and malicious reports are being spread abroad as to the treatment which the inhabitants may expect from Her Maje ty's troops, I, Frederick Sleigh Baron Roberts, of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Commander-in-Chief of Her Majesty's Forces in South Africa, am authorized by the Government of Her Majesty to make known, and do hereby make known as follows:—

1. Subject to the terms and provisions of this Proclamation, personal safety and freedom from molestation are guaranteed to the non-combatant population. || 2. All burghers who have not taken a prominent part in the policy which has led to the war between Her Majesty and the South African Republic, or commanded any forces of the Republic, or commandeered or used violence to any British subjects, or committed any acts contrary to the usages of civilized warfare, and who are willing to lay down their arms at once, to bind themselves by an oath to abstain from further participation in the war, will be given passes to allow them to return to their homes, and will not be made prisoners of war. || 3. It is the intention of Her Majesty's

Nr. 12272. 31. Mai 1900. Government to respect all private property of the inhabitants of the South African Republic, so far as may be compatible with the operations of war, provided that the inhabitants on their part abstain from wanton damage to property. || 4. If, however, wanton damage is done to property, not only will the actual perpetrators of such acts and all directly or indirectly implicated in them be liable to the most severe punishment in person and property, but the property of all persons, whether in authority or otherwise, who have permitted or have not done their utmost to prevent such wanton damage will be liable to be confiscated or destroyed. || 5. All persons are therefore exhorted in their own interest to prevent such wanton damage.

God Save the Queen.

Given under my hand and seal, at Johannesburg, this 31st day of May 1900.

Roberts, Field-Marshal,
Commander-in Chief, South Africa.

Nr. 12273. An die Orange-River Colony. Wer nicht binnen 14 Tagen die Waffen niederlegt, wird als Rebell behandelt.

Nr. 12273. 1. Juni 1900. Inasmuch as the Orange River Colony, formerly known as the Orange Free State, is now British territory, and has been placed under Martial Law by my Proclamation of 31st May 1900. || I, Frederick Sleigh, Baron Roberts of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Field-Marshal and Commanding in Chief in South Africa, do hereby warn all inhabitants thereof, who, after 14 days from the date of this Proclamation, may be found in arms against Her Majesty within the said Colony that they will be liable to be dealt with as rebels, and to suffer in person and property accordingly. The 14 days' grace is given by me in order to allow time for this Proclamation to be generally known throughout the Orange River Colony. And I further direct that all Mauser and other magazine and military rifles, and ammunition appertaining thereto, must be surrendered to the District Commissioners or other persons appointed to receive them within 24 days from the date of this Proclamation. All other firearms of whatever description, with the ammunition appertaining thereto, must within the same period be produced to District Commissioners or other persons aforesaid, to be by them registered and returned to their owners, except in cases in which it shall appear to the District Commissioners or other persons as aforesaid that, in the interests of the public safety, any such arms and ammunition should be retained in the custody of the local authorities. || And I further declare that any person who, after the expiration of the aforesaid period of 24 days, is found in possession of any unregistered firearms or ammunition

shall be liable to a fine not exceeding 100 l., or to imprisonment not exceeding six months.

Nr. 12273. 1. Juni 1900.

God Save the Queen.

Given under my hand and seal at Johannesburg this 1st day of June 1900.

Roberts, Field-Marshal,
Commanding in Chief in South Africa.

Nr. 12274. Einsetzung eines Kriegsgerichts in Pretoria.

11. Juni 1900.

Nr. 12274. 11. Juni 1900.

Whereas in order to provide for the Provisional Administration of Justice in Pretoria and the District of Pretoria, it is deemed necessary to constitute a Court for Administration of Justice according to Martial Law; || Now therefore, I, Frederick Sleigh, Baron Roberts, of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Commanding in Chief of Her Majesty's Forces in South Africa, do hereby direct and order that there shall be within the District of Pretoria a Court which shall be called „The Pretoria High Court", and I do further order and direct as follows: —

1. That I do hereby create, erect and constitute the said Pretoria High Court and do ordain, direct and appoint that the said Pretoria High Court shall have cognisance of all pleas, and jurisdiction in all causes, whether civil, criminal, or mixed, arising in Pretoria or the District of Pretoria, with jurisdiction over all persons whomsoever residing or being within Pretoria or the District of Pretoria in as full and ample a manner as I myself have in accordance with Martial Law. || 2. I do hereby appoint C. H. Hilliard, A. E. Leary, and F. C. Garston, to be Magistrates of the said Court, of whom the said C. H. Hilliard, shall be the Chief Magistrate, and any two of whom shall form a quorum. || 3. I do hereby appoint Captain T. M. McInerney, of the Victorian Rifles, to be Advocate for Her Majesty the Queen in the said Court. || 4. I do order that all sentences of this Court whereby the penalty shall exceed a fine of 10 l. or imprisonment for three months or whereby any corporal punishment is ordered, upon being passed by the said Court, shall be submitted to the Military Governor — for the time being — of Pretoria, who shall have power to suspend the said sentence, or to reduce the penalty imposed by the said sentence, or to confirm the said sentence, and no corporal punishment ordered by any sentence shall be inflicted until such sentence has been confirmed by the Military Governor. || 5. The said Court shall sit at such time or times and at such place or places as the said Chief Magistrate may appoint. || 6 The Chief Magistrate shall have power, subject to the approval of the Military Governor, to appoint such officers, clerks, and attendants as shall be necessary to carry out the work of the said Court. || 7. The Chief Magistrate shall have power from time to time to make rules and regulations for all Court procedure, and such rules and regulations shall come into force

Nr. 12274. 11. Juni 1900. and operation on being approved of by the Military Governor. || 8. I do hereby appoint E. Blyth, Esq., provisionally to be Sheriff of the said Court, and I do order that the said Sheriff shall do all acts necessary to enforce and carry out all sentences of the said Court.

God save the Queen.

Given under my hand and seal at Pretoria, this 11th day of June 1900.

Roberts, Field-Marshal.

Nr. 12275. Mafsregeln gegen Beschädigung von Eisenbahnen und anderen öffentlichen Eigentums.

19. Juni 1900.

Nr. 12275. 19. Juni 1900. Referring to my Proclamation, dated Pretoria, 16th June 1900, I, Frederick Sleigh, Baron Roberts, of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Field-Marshal, Commander-in-Chief of Her Majesty's Troops in South Africa, do hereby declare, proclaim, and make known, that, should any damage be done to any of the lines of railway or to any of the railway bridges, culverts, or buildings, or to any telegraph lines or other railway or public property in the Orange River Colony, or in that portion of the South African Republic for the time being within the sphere of my military operations, the following punishment will be inflicted:—

1. The principal residents of the town and districts will be held, jointly and severally, responsible for the amount of damage done in their district. || 2. In addition to the payment of the damage above mentioned, a penalty depending upon the circumstances of each case, but which will in no event be less than a sum of 2s. 6d. per morgen on the area of each farm, will be levied and recovered from each burgher of the district in which the damage is done in respect of the land owned or occupied by him in such district. Furthermore, all receipts for goods requisitioned in such district on behalf of the military authorities will be cancelled, and no payment whatsoever will be made in respect of the same. || 3. As a further precautionary measure, the Director of Military Railways has been authorized to order that one or more of the residents, who will be selected by him from each district, shall from time to time personally accompany the trains while travelling through their district. || 4. The houses and farms in the vicinity of the place where the damage is done will be destroyed, and the residents in the neighbourhood dealt with under Martial Law. || 5. The military authorities will render every facility to the principal residents to enable them to communicate the purport of this Proclamation to the other residents in their district, so that all persons may become fully cognisant of the responsibility resting upon them.

Roberts, Field-Marshal,
Commander-in-Chief, South Africa.

Army Head-quarters,
Pretoria, 19th June 1900.

Nr. 12276. Über die Gütereinfuhr in die Südafrikanische Republik.

27. Juli 1900.

Nr. 12276. 27. Juli 1900.

Whereas it is necessary to make provision for the importation of goods into such portions of the territory of the South African Republic as are or may be in the occupation of Her Majesty's Forces: || Now, therefore, I, Frederick Sleigh, Baron Roberts, of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Field-Marshal, Commanding in Chief Her Majesty's Troops in South Africa, do hereby declare, proclaim, and make known as follows:—

1. The importation of goods as aforesaid is permitted, subject to the following conditions:— || (a.) That a permit for such importation has been previously obtained from a Military Governor or District Commissioner, or some Officer duly authorized by him; || (b.) That customs duties are paid on all goods imported. These duties shall, for the present and until further provision is made therefore, be levied according to the tariff fixed by the Government of the South African Republic, as set out in pages 111 to 116 inclusive of the Staats Almanak voor de Zuid-Afrikaansche Republiek, 1899. || 2. In the case of goods imported from or through the Colonies of the Cape of Good Hope or Natal, the Customs duties as aforesaid shall be paid to the Collectors of Customs in those Colonies, and I do hereby, subject to the consent of the Governments of the aforesaid Colonies, nominate and appoint the said Collectors of Customs to be my agents for the collection of such duties. || 3. The permits mentioned in Section 1, sub-section (a), shall be issued subject to such regulations as may from time to time be made by a Military Governor or District Commissioner in respect of the district administered by him. || 4. Any goods imported as aforesaid without payment of the proper Custom duties or contrary to the regulations mentioned in the preceding section, shall be liable to confiscation, and the importer or his agent shall, in addition, be liable to the payment of a fine not exceeding three times the amount of the Custom duties thereon.

Roberts, Field-Marshal,
Commander-in-Chief, South Africa.

Army Head-quarters, South Africa,
Pretoria, 27th July 1900.

Nr. 12277. An die Einwohner der Südafrikanischen Republik. Bestrafung der Eidbrecher und Eidweigerer. Zerstörung von Farmen.

Nr. 12277. 14. Aug. 1900.

Whereas by Proclamation No. 1 of 1900 *), burghers who had not taken a prominent part in the hostilities were allowed, upon taking an oath, to return to their homes, and were not dealt with as prisoners of war, and ||

*) Nr. 12272.

Nr. 12277. 14.Aug.1900. Whereas by Proclamation No. 2 of 1900, burghers to whom passes and permits had been granted might retain their stock, or take them to the winter veld, and || Whereas many burghers have taken the said oath, but have, notwithstanding this oath, taken up arms against the forces of Her Majesty the Queen, and || Whereas many burghers who have taken the said oath have aided and abetted the enemy in raiding trains and destroying property belonging to the Forces of Her Majesty the Queen, or have acted as spies for the enemy, and || Whereas the Government of the South African Republic considers such oath immoral, and has issued a notice warning all burghers against taking the said oath, and || Whereas it is manifest that the leniency which has been extended to the burghers of the South African Republic is not appreciated by them, but, on the contrary, is being used as a cloak to continue the resistance against the Forces of Her Majesty the Queen, and || Whereas there are no means of distinguishing the combatant from the non-combatant portion of the population: || Now, therefore, I, Frederick Sleigh, Baron Roberts of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C, Commander-in-Chief of Her Majesty's Forces in South Africa, do hereby proclaim and make known as follows:—

1. That from and after this date Sections 1 and 2 of Proclamation No. 1 of 1900 are repealed, except in respect of those burghers who have already taken the said oath. || 2. That Proclamation No. 2 of 1900 is repealed. || 3. That all such persons who have taken the said oath, and who have in any way broken such oath, will be punished with either death, imprisonment, or fine. || 4. That all burghers in the districts occupied by Her Majesty's Forces, except such as have already taken the said oath, shall be regarded as prisoners of war, and shall be transported or otherwise dealt with as I may determine. || 5. That all buildings and structures on farms on which the scouts or other forces of the enemy are harboured will be liable to be razed to the ground. || 6. That the fine mentioned in Proclamation No. 6*) of 1900, Section 2, shall be rigorously exacted where any damage is done to the railway, and persons are hereby warned to acquaint Her Majesty's Forces with the presence of the enemy upon their farms, and, failing to do so, they will be regarded as aiding and abetting the enemy.

God Save the Queen.

Given under my hand and seal, at Pretoria, this 14th day of August, 1900.

Roberts, Field-Marshal,
Commander-in-Chief, South Africa.

With reference to paragraph 6, the fine therein mentioned shall in no event be less than a sum of 2 s. 6 d. per morgen on the area of each farm.

*) Nr. 12275.

Nr. 12278. Annexion der Südafrikanischen Republik unter dem Namen Transvaal.

1. September 1900.

Nr. 12278. 1. Sept. 1900.

Whereas certain territories in South Africa, hitherto known as the South African Republic, have been conquered by Her Majesty's Forces, and it has seemed expedient to Her Majesty that the said territories should be annexed to, and should henceforth form part of Her Majesty's dominions, and that I should provisionally and until Her Majesty's pleasure is more fully known, be appointed Administrator of the said territories, with power to take all such measures, and to make and enforce such laws as I may deem necessary for the peace, order, and the good government of the said territories. || Now, therefore, I, Frederick Sleigh, Baron Roberts of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.C., Field-Marshal, Commanding-in-Chief of Her Majesty's Forces in South Africa, by Her Majesty's command, and in virtue of the power and authority conferred on me in that behalf by Her Majesty's Royal Commission, dated the fourth day of July, nineteen hundred, in accordance with Her Majesty's instructions thereby and otherwise signified to me, from and after the publication hereof, do proclaim that the territories known as the South African Republic are annexed to and form part of Her Majesty's dominions, and that provisionally, and until Her Majesty's pleasure is fully declared, the said territories will be administered by me with such powers as aforesaid. Her Majesty is pleased to direct that the new territories shall henceforth be known as the Transvaal.

God Save the Queen.

Given under my hand and seal, at Head-quarters of the Army in South Africa, in the said territories, this first day of September, in the year of Our Lord nineteen hundred.

Roberts, Field-Marshal,
Commanding in Chief, Her Majesty's Forces in South Africa.

Nr. 12279. Krüger und Reitz haben durch ihre Flucht auf portugiesisches Gebiet ihre Sache aufgegeben. Eine Intervention der Grofsmächte ist unmöglich.

Nr. 12279. 14. Sept. 1900.

The late President, Mr. Kruger, and Mr. Reitz, with the archives of the South African Republic, have crossed the Portuguese frontier, and arrived at Lourenço Marques with a view to sailing for Europe at an early date. || Mr. Kruger has formally resigned the position he held as President of the South African Republic, thus severing his official connection with the Transvaal. Mr. Kruger's action shows how hopeless in his opinion is the war which has now been carried on for nearly a year, and his desertion of the Boer cause should make it clear to his fellow burghers that it is useless for them to continue the struggle any longer. || It is probably unknown to the inhabitants

Nr. 12279. 14. Sept. 1900. of the Transvaal and Orange River Colony that nearly 15 000 of their fellow-subjects are now prisoners of war, not one of whom will be released until those now in arms against us surrender unconditionally. || The burghers must by this time be cognisant of the fact that no intervention on their behalf can come from any of the Great Powers, and, further, that the British Empire is determined to complete the work which has already cost her so many valuable lives, and to carry to its conclusion the war declared against her by the late Governments of the South African Republic and Orange Free State, a war to which there can be but one ending. || If any further doubts remain in the minds of the burghers as to Her Britannic Majesty's intentions, they should be dispelled by the permanent manner in which the country is gradually being occupied by Her Majesty's Forces, and by the issue of the Proclamations signed by me on the 24th May and 1st September 1900, annexing the Orange Free State and the South African Republic respectively, in the name of Her Majesty. || I take this opportunity of pointing out that, except in the small area occupied by the Boer army under the personal command of Commandant-General Botha, the war is degenerating, and has degenerated, into operations carried on in an irregular and irresponsible manner by small, and in very many cases, insignificant bodies of men. || I should be failing in my duty to Her Majesty's Government and to Her Majesty's Army in South Africa if I neglected to use every means in my power to bring such irregular warfare to an early conclusion. || The means which I am compelled to adopt are those which the customs of war prescribe as being applicable to such cases. They are ruinous to the country, and entail endless suffering on the burghers and their families, and the longer this guerilla warfare continues the more vigorously must they be enforced.

Pretoria, September 14, 1900. Roberts, Field-Marshal,
Commanding in Chief in South Africa.

Nr. 12280. Behandlung der Buren, die sich freiwillig ergeben.

Nr. 12280. 22. Sept. 1900. As some doubt appears to exist as to the treatment of Boers who voluntarily surrender, the Field-Marshal Commanding in Chief desires that the following instructions be made known to all concerned :— || 1. All Burghers now captured or surrendering are prisoners of war but, Burghers are to be informed that if they surrender voluntarily they will not be sent out of South Africa, provided they have been guilty of no acts, other than fighting against us, which, in the opinion of the General Officer Commanding, debar them from this privilege. || 2. Should Burghers thus voluntarily surrendering be in possession of stock which is not immediately required for the use of the troops, General Officers Commanding may use their discretion in allowing one or two members of a family or group to be given a protection pass with

permission to remain in charge of the combined stock. The locality where the stock will be herded must be designated, and those left in charge are to be bound over to appear themselves and produce the stock whenever called upon to do so. || Failure to comply with these conditions will render liable to deportation those of the party who are retained as prisoners. || 3. The stock of Burghers who surrender voluntarily is to be paid for, or a receipt given, stating the value, if taken for the use of the troops. || 4. Camps for Burghers who voluntarily surrender are being formed in Pretoria and at Bloemfontein.

Nr. 12280. 22. Sept. 1900.

Pretoria, 22nd September 1900. J. G. Maxwell, Major-General, Military Governor.

Nr. 12281. Weitere Bestimmungen über die Behandlung der Gefangenen und der Bevölkerung.

Nr. 12281. 28. Sept. 1900.

As it seems to me advisable to insure uniformity in the treatment of the inhabitants of the various districts of the Transvaal and Orange River Colony, the following instructions are hereby published to assist General Officers Commanding in carrying out the conditions of recent Proclamations issued by me:—

1. By Military Secretary's telegram, No. C, 4825, dated 20th September, General Officers Commanding have been empowered to promise that Burghers who surrender voluntarily will not be sent out of South Africa, provided they have been guilty of no acts, other than fighting against us, which should debar them from this privilege. This concession does not apply to those who have taken the prominent military or political part in the war, nor to those who have broken their oath of neutrality, nor to foreigners. In the event of a military or political leader enquiring as to terms of surrender, the question is to be referred direct to Army Head-quarters. || 2. All stock, supplies, &c., of those on commando, or of those who have broken their oath, are to be taken and no receipt given. || 3. In cases where some members of a family, who all live on once farm, have broken their oath and gone on commando, those remaining are to be warned that, unless the former surrender within a reasonable period, all stock, supplies, &c., will be taken and no receipt given. || 4. In cases of sniping, leaders of bands are to be informed that, unless in ceases, their (the leaders') houses will be burned. A few days should be allowed for this to become known, notices being sent to the resorts of the leaders and to their wives. In the event of its being necessary to burn the farms, further notice should be issued stating why this has been done, and giving a list of other houses that will next be burned. || 5. All stock, supplies, &c., of snipers are to be taken and no receipt given. || 6. Protection is to be given to all inhabitants who have kept the oath of neutrality, remaining quietly at home and taking no further part in the war. Any stock or supplies taken from them are to be paid for or receipts given in full for them. ||

Nr. 12281. 28.Sept.1900. 7. Wives and families of men who are prisoners of war are to be protected, and receipts in full given for anything taken. || When a man surrenders a protection pass is to be given to his wife. || 8. Widows of men killed in the war and all lone women are to receive protection passes, and to be paid or given receipts for everything taken. || 9. Burghers are to be informed that as soon as their leaders submit, and when every cannon has been surrendered, peace will be declared, and all prisoners of war will then be sent back of their homes. Exceptions only will be made in the cases of members of the late Government of the South African Republic and Orange Free State, who are responsible for the war and its present disastrous prolongation, and of those who may be proved to have been guilty of acts contrary to the customs of war.

Roberts, Field-Marshal,
Commanding in Chief in South Africa.

Army Head-quarters, South Africa,
28the September 1900.

Nr. 12282. Beschränkung der Ausfuhr aus Transvaal und Orange-River Colony.

16. Oktober 1900.

Nr. 12282. 16. Okt. 1900. Whereas it is expedient to remove certain of the restrictions at present existing against the exportation of goods, wares, and merchandise from the Transvaal and Orange River Colony. || New therefore, I, Frederick Sleigh, Baron Roberts of Kandahar and Waterford, K.P., G.C.B., G.C.S.I., G.C.I.E., V.G., Field-Marshal, Commanding-in-Chief Her Majesty's troops in South Africa. || Do hereby declare, proclaim, and make known that, from and after the date hereof, the exportation of all goods, wares, and merchandise, with the exception of raw and bar gold and munitions of war, is permitted from the said territories under the laws and regulations of the Customs.

God Save the Queen.

Given under my hand and seal at Pretoria this 16th day of October 1900

Roberts, Field-Marshal,
Commanding in Chief, South Africa.

Nr. 12283. Anordnung über die Zerstörung von Farmen.

18. November 1900.

Nr. 12283. 18. Nov. 1900. As there appears to be some misunderstanding with reference to burning of farms and breaking of dams, Commander-in-Chief wishes following to be lines on which General Officers Commanding are to act: — No farm is to be burnt except for act of treachery, or when troops have been fired on from premises, or as punishment for breaking of telegraph or railway line, or when

they have been used as bases of operations for raids, and then only with direct consent of General Officer Commanding, which is to be given in writing, the mere fact of a burgher being absent on commando is on no account to be used as reason for burning the house. All cattle, wagons, and foodstuffs are to be removed from all farms; if that is found to be impossible, they are to be destroyed, whether owner be present or not.

Nr. 12283. 18. Nov. 1900.

III. Berichte von Lord Roberts an das Kriegsministerium über die Operationen.

Nr. 12284. GROSSBRITANNIEN. — Der Oberbefehlshaber Lord Roberts an das Kriegsministerium. Bericht über die strategische Lage im Januar.

Army Head-Quarters, South Africa, Cape Town, 6th February, 1900.

Nr. 12284. Grofsbritannien. 6. Feb. 1900.

My Lord, || Now that I have been nearly a month in South Africa, and will shortly be leaving Cape Town for the operations which I propose to carry out for the relief of Kimberley and in the Orange Free State, it seems desirable that I should submit for the information of Her Majesty's Government a concise account of the state of affairs in this country as I found them on my arrival on the 10th January. || The force which was despatched from England between the 20th October and the early part of December had been greatly scattered. The Army-Corps organization had been broken up, and even the formation of the Divisions and Brigades materially differed from what had been originally contemplated. On assuming the chief command, the first step which Sir Redvers Buller undertook was to despatch Lord Methuen with the Brigade of Guards, the 3rd, or Highland Brigade, and a third Brigade, improvised from $3^1/_2$ battalions on the Lines of Communication which were immediately available, for the relief of Kimberley. As your Lordship is aware, this force succeeded in crossing the Modder River; but the subsequent attack on the Boer position at Magersfontein having been repulsed, Lord Methuen fell back on the river, where he has formed an entrenchment facing that thrown up by the enemy. || The original intention was that, simultaneously with Lord Methuen's advance, Lieut.-General Clery, with the Second Division, should operate from Port Elizabeth by the Midland line of railway through Naauwpoort on Colesberg, and that Lieut.-General Gatacre should similarly move from East London by the Eastern line of railway on Stromberg and Burghersdorp. This plan for occupying the Northern frontier of the Colony had to be abandoned owing to the urgent demands for assistance from Natal. In the middle of November, Lieut.-General Clery was sent to Durban with the 2nd, 4th, and 6th Brigades, being followed shortly afterwards by Sir Redvers Buller himself. On the 1st December, the 5th Brigade was ordered from Cape Town to Natal. With these reinforcements, and the force previously available, an attempt was made on the 15th December to effect the passage

Nr. 12284. Grofsbritannien. 6. Feb. 1900. of the Tugela River in the vicinity of Colenso, but this having failed, Sir Redvers Buller was obliged to withdraw his troops to Chieveley. Meanwhile, the 5th Division had arrived at Cape Town, and after the action of the Tugela, Sir Redvers Buller directed its commander, Sir Charles Warren, with half of the 10th Brigade and the whole of the 11th Brigade, to proceed to Natal. Towards the end of November, the 1st Royal Dragoons and the 13th Hussars were also transferred to Natal, followed shortly afterwards by two squadrons of the 14th Hussars. || On arrival here on the 10th January, I found the state of affairs to be as follows:—On the west of the Cape Colony, Lieut.-General Lord Methuen was occupying the position already described. Lieut.-General French, with three Cavalry regiments and one and a half battalions of Infantry, was holding the line from Naauwpoort to Rensburg. Lieut.-General Sir W. F. Gatacre, who had two batteries of Artillery and four and a half battalions under his orders, having been defeated in his attack on Stormberg, was occupying Sterkstroom and the country in its vicinity. In Natal, Sir Redvers Buller, having found himself unable to advance by the direct route to the relief of Ladysmith, had fallen back on Chieveley to await reinforcement by the 5th Division under Lieut.-General Sir Charles Warren.

In view of the distance of my head-quarters from Natal, and of the fact that on the date of my arrival Sir Redvers Buller had made his dispositions for the second attempt to relieve Ladysmith, I thought it best to leave him a perfectly free hand, and not to interfere with his operations. || In the Cape Colony a serious feeling of unrest prevailed. The withdrawal of so large a portion of the Army-Corps had encouraged the disloyal among the inhabitants, and I found that His Excellency the High Commissioner was extremely anxious as to whether it would be possible to preserve peace and order throughout the province. After consulting Sir Alfred Milner, I decided that it would be best to remain on the defensive until a sufficient force was available to enable an advance to be made into the Orange Free State. I hoped that the effect of such an advance, if adequately supported, would be to relieve the hostile pressure at Ladysmith, and between Ladysmith and the Tugela, and also between the Modder river and Kimberley. In pursuance of this policy, and with a view to facilitating offensive action as soon as the strength and organization of the troops at my disposal would admit of it, I directed Lieut.-Generals Lord Methuen and Gatacre to remain strictly on the defensive. Lieut.-Generals French, with his head-quarters at Rensburg, was instructed to patrol the country round Colesberg, and to keep the enemy, into whose hands that place had fallen, from moving further to the south. Shortly after my arrival, the troops of the 6th Division, under Lieut.-General Kelly-Kenny, reached Cape Town, and were despatched to Naauwpoort, one of the brigades being temporarily detached for employment under Lieut.-General French. The duty assigned to Lieut.-General Kelly-Kenny was to allay unrest

and check disaffection among the Colonial population, and to open up the railway line as far as possible from Middelburg in the direction of Stromberg. || A subject which from the first, attracted my special attention was the development and organization of the Colonial forces, of which I was inclined to think that sufficient use had not been made. I therefore arranged for one mounted corps to be raised by Colonel Brabant, to whom, with the approval of the High Commissioner, the rank of Brigadier-General has been given. Iclusive of this corps, it is intended to place a body of Colonial mounted troops, about 3000 strong, under Brigadier-General Brabant's command, on Lieut.-General Gatacre's right flank, for the purpose of guarding the eastern portion of the Colony and pushing back the enemy from the neighbourhood of Stormberg. The head-quarters of this Colonial force will be at Dordrecht, where it will be in readiness to operate northward towards Jamestown. Two other regiments, designated at the particular request of the members „Roberts's" and „Kitchener's Horse", have also been formed, chiefly from men who have found their way to South Africa from various parts of the world. Additional corps are being raised by influential gentlemen in the Colony, and every encouragement and assistance are being given to the men who desire to enlist. || Shortly after my arrival the question of reinforcements had to be dealt with. I was reluctant to indent on the home Army for an 8th Infantry Division and an additional Cavalry Brigade, and I expressed the opinion that it would suffice to order out two more Line battalions (one from Malta and the other from Egypt), two companies of Mounted Infantry from Burma, and 13 Militia battalions from England for duty on the Lines of Communication. The failure of the second attempt to relieve Ladysmith may possibly necessitate the despatch of the larger reinforcement, which I was at first prepared to dispense with. || Since I have been here I have taken no steps to render active assistance to General Sir Redvers Buller, as he had a force at his disposal which seemed sufficient for the relief of Ladysmith, and, after being reinforced by the 5th Division, he had informed me that his task would not be rendered easier by a further addition to the number of his troops. Moreover, I had no troops to spare. The frontier of the Cape Colony was weakly held, and the attitude of a portion of the Colonists bordering the Orange Free State was in some cases doubtful, and in others disloyal. The conclusion I arrived at wat that no sensible improvement in the military situation could be hoped for until we were prepared to carry the war into the enemy's country, and all my efforts have accordingly been exerted in that direction.

This plan was, however, attended with considerable difficulties. The two main roads leading from Cape Colony to the Orange Free State were held in force by the Boers at the points where those roads crossed the Orange River, and it seemed certain that the bridges over that river would be destroyed, if the enemy could be forced to retire to the northern bank. Moreover, I could

Nr. 12284. Grofsbritannien. 6. Feb. 1900.

not overlook the fact that, even if either of these routes could be utilized, the movement of an army solely by means of a line of railways is most tedious, if not practically impossible. The advantage is all on the side of the enemy, who can destroy the line and occupy defensible positions when and where they please. In a hilly, enclosed country, or where any large river has to be crossed, they can block the line altogether, as was proved in the case of Lieut.-General Lord Methuen on the Modder River, of Lieut.-General French on the Orange River, and of General Sir Redvers Buller on the Tugela. || A railway is of the greatest assistance, it is indeed essential to an army for the conveyance of stores and supplies from the base, and it is a most valuable adjunct if it runs in the direction of the objective, but, even then, a certain proportion of the troops must be equipped with wheeled or pack transport to enable supplies to be collected, and to render the force sufficiently mobile to deal with many tactical difficulties which have to be surmounted owing to the greatly increased range and power of modern projectiles. || No organized transport corps existed when I arrived in South Africa. Some thousands of mules have been collected and a number of ox and mule wagons had been purchased, but what is known as the regimental system had been adopted, which consists in providing each unit with sufficient transport for its ammunition, baggage, and two or three days' supplies. Such a system may answer well enough for peace manœuvres where the troops march short distances daily for a week or ten days, and where depôts are established in advance from which the regimental supplies can be replenished. But this system is quite unsuitable for extensive operations in a district where no food and scarcely any forage can be procured, where advance depôts cannot be formed, and where all the necessaries required by an army in the field have to be carried for a considerable distance. It is, moreover, a very extravagant system, for during a campaign every corps is not required to be continually on the move. A certain number have to garrison important points and guard lines of communication, and for these transport is not needed. On the regimental system, the transport attached to such corps would remain with them, and would therefore not be available for general purposes, or, in the event of its being taken away from them, no one would be specially responsible for its supervision.

Major-General Lord Kitchener's experience in this important matter coincided with my own, and we decided that the first thing to be done was to form a properly organized Transport Department. || On the 26th January I received intelligence of Sir Redvers Buller's withdrawal from Spion Kop to Potgieters's Drift. The second attempt to relieve Ladysmith having failed, it has become imperatively necessary to give early effect to the policy indicated above. With this object I am collecting as large a force as possible to the north of the Orange River Railway Station, with the view of joining the troops under Lord Methuen's command, and proceeding, in the first instance,

to relieve Kimberley. The Column, including Cavalry and Mounted Infantry, will number 35 000 men, with about 100 guns. On the relief of Kimberley being accomplished I propose to leave a moderate garrison at that place, and with the remainder of the force, to move eastward for the purpose of threatening Bloemfontein and seizing some point on the railway between that place and Springfontein. This operation will, I trust, cause the Boers to reduce the force which they have concentrated round Ladysmith, and enable our garrison there to be relieved before the end of February. || In order to carry out the concentration north of the Orange River, I shall have to make use of the whole of the 6th and 7th Divisions, and am obliged to postpone the reinforcement of Lieut.-General Gatacre's force, although it is barely sufficient effectively to control a civil population which contains many disturbing elements, or to regain possession of the territory which the enemy has invaded. I am compelled also to withdraw the greater part of the force under Lieut.-General Kelly-Kenny from Naauwpoort and its neighbourhood, in spite of the importance of restoring railway communication between Middleburg and Stormberg. The arrival of 15 additional battalions of the Line and Militia will place matters or a better footing, but in view of the possibility that the third attempt to relieve Ladysmith may fail, the dead-lock in Natal which will follow, and its probable effect on the South African population, I have reluctantly arrived at the conclusion that more troops are needed for the active prosecution of the war. || On the 28th January I applied for another Infantry Division and Cavalry Brigade from home. The Cavalry Brigade has been placed under orders for field service, but the despatch of the Infantry Division has I am informed been suspended for the present. If, as I hope, the relief of Ladysmith can be affected, at any rate as soon as the enemy's attention has been distracted by offensive operations on our part in the Orange Free State, the transfer of an Infantry Division from Natal to Cape Colony may perhaps become feasible. On this point, however, I shall be better able to offer an opinion when the result of the further operations in Natal is known. || It might appear at first sight that the force in this country is equal to the military requirements of the situation, but the difficulties of carrying on war in South Africa do not appear to be sufficiently appreciated by the British public. In an enemy's country, we should know exactly how we stood; but out here, we have not only to defeat the enemy on the northern frontier, but to maintain law and order within the Colonial limits. Ostensibly, the Dependency is loyal, and no doubt a large number of its inhabitants are sincerely attached to the British rule and strongly opposed to Boer domination. On the other hand, a considerable section would prefer a Republican form ot government, and influenced by ties of blood and association, side with the Orange Free State and Transvaal. Even the public service at the Cape is not free from men whose sympathies with the enemy may lead them to divulge secrets and give valuable assistance to the Boer leaders in other ways.

Nr. 12284. Grofsbritannien. 6. Feb. 1900.

I append tabular statements showing the strength of the troops in the Cape Colony and Natal respectively on the 31st January 1900. The numbers as regards Natal are only approximate, as no recent returns are available*).

I have the honour to be,
My Lord,
Your Lordship's most obedient Servant,
Roberts, Field-Marshal,
Commanding-in-Chief, South Africa.

Nr. 12285. GROSSBRITANNIEN. — Lord Roberts an das Kriegsministerium. Bericht über die Gefangennahme Cronjes.

Nr. 12285. Grofsbritannien. 28. Feb. 1900.

Army Head-Quarters, South Africa, Camp Paardeberg, 28th February 1900.

My Lord, || In my letter No. 2**), dated the 16th February 1900, the narrative of the operations in the Orange Free State was carried up to the occupation of Jacobsdal, and the pursuit of the enemy in an easterly direction to Klip Drift, on the Modder river. On the above date 78 ox-wagons loaded with stores, and two wagons containing Mauser rifles, explosives, and ammunition, were captured at Klip Drift, by the 6th Division. On the evening of that day I ordered the 9th Division, consisting of the 3rd and 19th Brigades under Lieut.-General Sir Henry Colvile, to Klip Kraal Drift. Early the next morning Lieut.-General Tucker, commanding the 7th Division, with the 14th Brigade, marched from Wegdraai Drift to Jacobsdal which the other brigade of the division, the 15th, under Major-General Wavell, had occupied since the 15th February. || On the 17th February arrangements were made for the military administration of Kimberley, and the protection of the railway line between that place and the Orange River. The command was entrusted to Lieut.-General Lord Methuen, who was directed to move his head-quarters to Kimberley as soon as the railway had been repaired. The following troops were placed at his disposal:—

1000 Imperial Yeomanry.
20th and 38th Batteries, Royal Field Artillery.
2 Canadian Field Batteries.
1 New South Wales Field Battery.
The 9th Infantry Brigade, consisting of—

1st Bn. Northumberland Fusiliers.
1st Bn. Loyal North Lancashire Regiment.
2nd Bn. Northamptonshire Regiment.
2nd Bn. Yorkshire Light Infantry.

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*) Nach einer Anlage stehen in Natal 34 830 Kombattanten mit 120 Geschützen, in der Kapkolonie 51 900 mit 150 Geschützen.

**) Hier fortgelassen. Red.

A second Infantry Brigade consisting of—
1st Bn. Highland Light Infantry.
3 Militia Battalions, leaving England on the 15th February, and due at Cape Town abouth the 10th March.

On the arrival of the Militia Battalions, the 2nd Bn. Royal Warwickshire Regiments, is to join the 18th Brigade, and the 1st Bn. Munster Fusiliers, the 19th Brigade. || The 1st or Guards Brigade was thus set free to join the force operating in the Orange Free State. || While leaving it to Lord Methuen to employ the troops under his command as he might think best, I impressed on him the desirability of holding the Modder Railway Bridge with a battalion of Infantry in an entrenched position, and of guarding other important points along the line. I also desired him gradually to break up the Field Hospital at Modder River by the transfer of the sick and wounded to Cape Town. || On the 17th and 18th February my head-quarters remained at Jacobsdal with the 7th Division. On the former date the pursuing troops came into contact with the enemy under Cronje below Paardeberg Drift. Throughout the day a series of rear-guard actions took place, the enemy skilfully seizing one defensible position after another and delaying our advance. The Boers continued their retreat, and on the morning of the 18th were found to be holding a position in the bed and on the north bank of the Modder, 3 miles above Paardeberg Drift, where the river makes a curve to the north. In this position they had begun to entrench themselves during the previous night. As soon as our troops came up, the 6th Division occupied the ground to the south of the stream opposite the Boer laager, with Mounted Infantry in its front to the east. The Highland Brigade was also on the south side of the Modder, while the 19th Brigade of the same Division, under Major-General Smith-Dorrien, advanced along the north side, on which also two Brigades of Cavalry unter Lieut.-General French were converging from the direction of Kimberley. Early in the afternoon it seemed likely that the laager would be captured, but the Boers held their ground so obstinately, and it was so difficult to force a passage trough the trees and undergrowth fringing the river on both banks, that the troops had to be drawn off. Heavy loss was inflicted on the enemy, while our own loss was hardly less serious, the casualties being as follows:— || Officers*) killed, 15; wounded, 54; missing, 8; prisoners, 3. || Men — killed, 183; wounded, 851; missing, 88; prisoners, 9. || The Officers and men shown as missing must, I am afraid, have been killed, as the enemy could not have sent prisoners to the rear, while only the numbers shown above as prisoners have been released by the eventual capture of the laager. || A kopje to the south-east of the position, commanding the Boer entrenchments, and the whole course of the stream from the Paardeberg Drift upwards, was captured during the after-

*) Die Namen sind hier fortgelassen. Red.

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noon of the 18th, but retaken by the enemy after nightfall, owing to the Mounted Infantry who held it having gone down to the river to water their horses. || On the evening of this day I directed the Brigade of Guards to march from their camp at Modder along the north bank of the river to Klip Drift. I also ordered the 14th Brigade of the 7th Division, under Major-General Sir Herbert Chermside, to proceed from Jacobsdal to the Paardeberg camp, distant about 30 miles, which was reached on the evening of the 19th. || Leaving Jacobsdal at 4 a. m. on the 19th, I reached Paardeberg at 10 a. m. When I arrived on the scene I learnt that an armistice of 24 hours had been granted to General Cronje, who had asked for it on the plea that he desired to bury his dead. This armistice I immediately revoked, and ordered a vigorous bombardment of the enemy's position. General Cronje knew, as we knew, that considerable reinforcements were hastening to his assistance from Natal and from the south, and his request was obviously only an expedient to gain time. || I found the troops in camp were much exhausted by their previous marching and fighting, and I therefore decided no to make a second assault on the laager, the capture of which by a „coup-de-main" would have entailed a further loss of live, which did not appear to me to be warranted by the military exigencies of the situation. During the morning of the 20th February the kopje on the south-east, which I have already mentioned, was recaptured, the enemy abandoning their defences on being threatened in rear by the Cavalry and Mounted Infantry. In the afternoon the Boer laager and the entrenchments surrounding it were bombarded for several hours with Naval guns, 5-inch howitzers and field guns, much damage being done to the enemy's wagons, trek oxen, and horses. On the 21st and 22nd the bombardment was continued, and trenches were gradually pushed forward on both flanks of the river, but chiefly on the north, in view of an eventual assault, should such an alternative be forced upon me.

After his force had been surrounded, Cronje contrived to open heliographic communication with Bloemfontein and doubtless asked for assistance, as reinforcements began to come up in scattered parties of varying strength from the east and south-east. Each commando was composed of men belonging to different districts, some of them having been withdrawn from Ladysmith and others from the northern frontier of the Cape Colony. On the morning of 23rd February the 1st Bn. Yorkshire Regiment engaged one of these parties, about 2000 strong, at the eastern end of the position south of the river, and drove off the enemy with heavy loss, losing themselves 3 Officers and 17 men wounded. Later in the day the 2nd Bn. of the Buffs, which had come up in support of the Yorkshire Regiment, captured 80 Boer prisoners. Similar parties of the enemy appeared in other directions, but were beaten back without difficulty by our troops. After being repulsed the Boers seem in most cases to have dispersed, whether to their homes or to join other commandoes it is impossible to say. || On this day a balloon reconnaissance was

made of the Boer laager and entrenchments, which showed that much injury had been done to the enemy's wagons and stores by shell fire. On the 24th February, 40 more prisoners were taken and a considerable number of Natives came in from the enemy's camp both on this day and on the previous days, having managed to escape during the night time. The services of these Kaffir refugees are being utilized to look after trek oxen and slaughter cattle, about 800 of which were captured in the vicinity of the Boer laager. Our casualties from the 19th to the 24th February inclusive, were as follows:— || Officers — wounded, 12. || Men — killed, 9; wounded, 102; missing 8. || Nothing calling for special notice occurred on the 25th February, except that heavy rain caused the Modder River to rise over 3 feet, and thus delayed the movement of convoys from and to the advanced base at the Modder Station as well as from and to Kimberley, where a supplementary Commissariat Depôt had been established. I may here mention that the railway to Kimberley was re-opened on the 18th, and that Lord Methuen established his head-quarters there on the same day. || Early on the 26th four 6-inch howitzers arrived at this camp from Modder, and the Boer laager was again shelled during the afternoon. || At 3 a. m. on the 27th the Royal Canadian Regiment, and No. 7 Company, Royal Engineers, commanded respectively by Lieut.-Colonel W. D. Otter, and Lieut.-Colonel W. F. Kincaid, supported by the 1st Bn. Gordon Highlanders, advanced under a heavy rifle fire to within 80 yards of the enemy's defences, and succeeded in entrenching themselves, with the loss of 2 Officers wounded, 7 men killed, and 27 wounded. A gallant deed, creditable to all who took part in it. || At 6 a.m. I received a letter from General P. A. Cronje, making an unconditional surrender, and throwing himself and his troops on Her Majesty's clemency. The following is a translation:—

„Head-quarter Laager, Modder River, 27th February 1900.

Honoured Sir, || Herewith I have the honour to inform you that the Council of War which was held here last evening, resolved to surrender unconditionally with the forces here, being compelled to do so under existing circumstances. They therefore throw themselves on the clemency of Her Britannic Majesty. || As a sign of surrender a white flag will be hoisted from 6 a.m. to-day. The Council of War requests that you will give immediate orders for all further hostilities to be stopped, in order that more loss of life may be prevented. I have the Honour to be, Sir,

Your most obedient Servant,

(Signed) P. A. Cronje, General.

To Field-Marshall Lord Roberts.

P.S. — Messrs. G. R. Keizer, my secretary, and H. C. Penzhorn are authorized to arrange all details with your Lordship."

Cronje was received by me in camp at 8 a.m., and he with the other prisoners, numbering 3919 men, exclusive of 150 wounded, were despatched

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in the afternoon to Cape Town. || In addition to the prisoners' rifles and a large quantity of Mauser ammunition, three 7·5 centimetre Krupp field guns, one old pattern 12-pr. quick-firing gun, and one Vickers-Maxim automatic 3·7 centimetre quick-firing gun have been taken, as well as many ox and mule wagons. || A very large area has to be occupied in a country like this, consisting of flat plains with isolated hills or kopjes, to prevent the enemy from seizing one or more of the latter, and thence by long-range gun and rifle fire rendering the interior of the position untenable. The perimeter of the Paardeberg encampment surrounding the Boer laager was about 24 miles, and the distances from one point to another added greatly to the labours of the troops. || I enclose a list of prisoners taken on 27th February. || I am sanguine enough to hope that the complete defeat and surrender of Cronje will materially improve the prospects of the campaign. For over two months he held us in check at Magersfontein, and his following included many influential men both from the Orange Free State and from the South African Republic. The despatch of these men, with nearly 4000 other prisoners, to Cape Town, cannot fail to encourage the loyal inhabitants of the Cape Colony and Natal, and to dishearten the disaffected, while the capture of one of their ablest and most determined commanders must inflict a severe blow on the Boer cause. || It is my present intention to halt here for about a week longer, in order to get the Cavalry and Artillery horses into better condition, replenish my supplies of food and ammunition, and prepare my transport train for a further advance. On reaching Bloemfontein I propose to reopen railway communication between that place and the Midland railway line, and to transfer my advanced base from the Modder River Station and Kimberley to Colesberg or Naauwpoort. In anticipation of this transfer, and to relieve the congested state of the docks at Cape Town, I have directed a number of vessels carrying stores and supplies to proceed to East London. || Since I last addressed your Lordship the situation on the frontier north of Naauwpoort has remained virtually unchanged. On the enemy at Colesberg being reinforced, Major-General Clements found it necessary to withdraw from Rensburg to Arundel, where he experienced no difficulty in maintaining his position. A portion of the Boer force has now retired for the purpose of covering Bloemfontein, and on 27th February Rensburg was re-occupied by our troops. || On the eastern frontier Brigadier-General Brabant moved forward on the evening of the 16th February, and, after continuous fighting on the 17th, stormed the Boer position near Dordrecht. || On the 23rd February Lieut.-General Gatacre made a reconnaissance in the direction of Stormberg, which showed that the hostile garrison had been reduced in men and guns. Our casualties on this occasion amounted to 2 killed, 2 wounded, and 6 missing, among the last being included Captain the Hon. R. de Montmorency, V.C., 21st Lancers, and Major P. R. Hockin, 2nd Devonshire Volunteer Artillery, two very promising Officers. || On the 24th February

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Lieut.-General Sir W. Gatacre provided a garrison for Dordrecht by moving to that place from Bird River 2 guns, 2 companies of Infantry, 50 signallers, and 50 mounted police. The garrison was directed to entrench and occupy a commanding position to the south of the town.

As regards Natal the reports received from General Sir Redvers Buller, are to the following effect. On the 14th February he attacked strong positions held by the enemy on the right bank of the Tugela immediately to the east of Colenso. These positions on the Cingolo and Monte Cristo heights covered the left flank of the Boers. Cingolo was gradually occupied by our troops, and on the 18th February the 4th and 6th Brigades assaulted the entrenchments on Monte Cristo, the enemy falling back after having offered but slight resistance, and being driven across the Tugela with the loss of their camps and supplies. Sir Redvers Buller has brought to special notice the work done by the 2nd Bn. The Queen's, 2nd Bn. Royal Scots Fusiliers, Rifle Brigade, and Irregular Cavalry; but all the troops are reported to have behaved admirably, and the Royal Artillery and Naval gun detachments to have rendered great assistance. || On the 21st February Sir Redvers Buller telegraphed that commandoes from the Bethlehem, Heilbron, and Seneka Districts had returned by train the previous week from Spion Kop to the Orange Free State. On the same date he reported that the 5th Division had that day crossed the Tugela by a pontoon bridge, driving back the enemy's rear guard. || Subsequent telegrams show that on the 22nd the 11th Brigade forced the passage of the Onderbrook Spruit and seized the Landrat heights which command it, while on the 23rd the 5th Brigade crossed the Langawachti Spruit and similarly occupied the adjacent heights. On the 25th the force had not advanced far enough to the north to keep down the enemy's longrange Artillery and Infantry fire, and the country is stated to be extremely difficult, but Sir Redvers Buller is endeavouring to turn the Boer position to the east, and hopes to succeed in outflanking the enemy and reaching Ladysmith. || Apart from the progress of the war, there are two matters affecting the force under my command, to which a brief reference seems desirable. On the 25th February, I telegraphed to your Lordship requesting that 100 000 khaki warm coats of the Indian pattern might be sent to the Cape Colony and Natal from India. These coats proved very serviceable during the expeditions on the North-west frontier in 1897-98, and will greatly conduce to the health and comfort of the troops in South Africa as soon as the cold season sets in. On 26th February, in reply to a telegram from your Lordship, I asked for the 8th Infantry Division to be despatched to South Africa as quickly as possible, more troops being needed in my opinion to enable me to operate in sufficient strength in the Orange Free State and Transvaal. I have the honour to be,

My Lord, Your Lordship's most obedient Servant,

Roberts, Field-Marshal, Commanding-in-Chief, South Africa.

Nr. 12286. GROSSBRITANNIEN. — Lord Roberts an das Kriegsministerium. Bericht über die Rast der Armee in Bloemfontein.

Head-Quarters of the Army in South Africa, Kroonstad, 21st May 1900.

Nr. 12286. Grofsbritannien. 21. Mai 1900.

My Lord, || My despatch of 15th March 1900*) ended with a description of the entry of the Head-quarters of the Army in South Africa into Bloemfontein. || In the present letter I propose to give a brief account of events from that time up to the 12th May, on which date the force under my immediate command occupied Kroonstad, which had been made the temporary head-quarters of the Orange Free State Government. || 2. Our rapid advance from the most western portion of the Orange Free State and the seizure of their capital had greatly dispirited the Boers, and the forces which fell back in front of our main army retired towards Kroonstad, while those which were in the northern districts of Cape Colony, crossed the Orange River and retreated in a northerly direction along the Basutoland border and the fertile district of Ladybrand. || 3. As these forces cleared off, the southern portion of the State appeared to be settling down. Many Burghers surrendered their arms and horses and took an oath to abstain from further hostilities against the British Government. Had I then been able to follow the enemy up and take advantage of this condition of affairs, the task of bringing the Orange Free State to terms would have been a comparatively easy one. || 4. I found, however, it was impossible to do so. Cape Town, our main depôt for supplies, is 750 miles distant from Bloemfontein, with which it is connected by a single line of railway, and communication with Cape Colony had been interrupted by the destruction by the enemy of both the bridges over the Orange River. || From the country itself we were able to get scarcely anything in the shape of food except meat, and every mile we advanced took us further away from the only place where a sufficiency of supplies was obtainable. Moreover, the army needed rest after the unusual exertions it had been called upon to make, and by which its mobility had been greatly impaired. || 5. The enemy knew exactly how we were situated. They had accurate information as to the condition of our supplies, our transport, and our Artillery and Cavalry horses; they regained courage by our prolonged and enforced halt at Bloemfontein, and their retrograde movement was arrested. They showed considerable strategical skill by reoccupying Ladybrand, and by concentrating a large force between Brandfort and Thabanchu. This gave them free access to the south-eastern districts of the Orange Free State, and prevented me from moving until they had been forced back north of the Thabanchu—Ladybrand line. || 6. I may here mention that, as soon as railway communication with Cape Colony had been restored, the 3rd Division under the command of Lieut.-General Sir W. Gatacre was directed to move up along the railway from

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*) Hier fortgelassen. Red.

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Bethulie, via Springfontein, towards Bloemfontein, while the column under Major-General Clements, which had previously dislodged the enemy from Colesberg and Norval's Pont, marched through Fauresmith and Petrusburg, joining my head-quarters on 2nd April. Meanwhile I had occupied Glen Station and Karee Siding, and on the 29th March a force under Lieut.-General Tucker as detailed in the margin, attacked the enemy and drove them back to Brandfort afterwards holding and entrenching a position which effectually protected the siding and the railway bridge under reconstruction at Glen. || 7. On the following day, in consequence of a report that a large hostile force had collected near Thabanchu. I found it necessary to withdraw the Cavalry outpost at that town towards Bloemfontein. During its retirement to the Waterworks, 21 miles east of Bloemfontein, the Boers rapidly followed it up, and, by means of a cunningly laid ambush near Sannah's Post, to which I shall refer in a separate despatch, succeeded in capturing seven 12-pr. guns, with the entire personnel of a Horse Artillery battery and many other prisoners, besides inflicting heavy loss on the troops engaged, and seizing a convoy which accompanied them. Encouraged by this succes, the Boer commanders moved southward and came in contact with a weak detachment which had been sent to Dewetsdorp by Lieut.-General Sir W. Gatacre, and was being withdrawn by my orders. The enemy surrounded the detachment, and, before assistance could arrive, it had surrendered to superior numbers, and the Officers and men composing it had been removed, as prisoners of war, to Kroonstad. || 8. The enemy then occupied Dewetsdorp, while a considerable force attacked Wepener, where a column of Colonial troops, under Lieut.-Colonel Dalgety had arrived a few days previously. || Retiring from the town to a defensible position 3 miles to the west, which commanded an important bridge over the Caledon River, Lieut.-Colonel Dalgety entrenched his force, and for 16 days he succeeded in keeping the Boers in check, despite the fact that they far outnumbered the small body of about 1600 men under his command, and had also a considerable superiority in artillery, under pressure from the south and west caused them to withdraw northward along the Basutoland border. || 9. While these events were taking place, the state of my mounted troops prevented me from attempting any operation which demanded rapidity of movement. I was determined, moreover, to adhere, if possible, to my plan of campaign, and not to be led into diverting from it, for operations of subsidiary importance, the troops which I required to attain my main objective, namely, to advance in adequate strength through the northern portion of the Orange Free State on Johannesburg and Pretoria. I had to content myself, therefore, with carefully guarding the line of railway, and with collecting a force strong enough to drive the enemy north of the Brandfort—Thabanchu line. For this purpose I brought the 3rd Division up to its full strength by the addition of some Militia battalions, and concentrated it, as well as the newly arrived 8th division, at Edenburg. I had previously, on

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the 5th April, requested General Sir Redvers Buller to transfer the 10th Division, under Lieut.-General Sir Archibald Hunter, together with the Imperial Light Horse, to Cape Colony, additional troops being urgently required to effect the relief of Mafeking, the state of affairs in Natal justifying some reduction in the force quartered there. I utilized Major-General Hart's Brigade of this division for the relief of Wepener, in conjunction with the main body of the Colonial troops under Brigadier-General Brabant, the remainder of Sir Archibald Hunter's Division proceeding to Kimberley. I increased and reorganized the Mounted Infantry, supplementing it by several battalions of Imperial Yeomanry, and these troops, together with the 4th Cavalry Brigade, which had recently arrived from England, I collected in the neighbourhood of Bloemfontein. || 10. My dispositions for protecting the railway and expelling the enemy from the south-eastern districts of the Orange Free State had the desired effect, and on the 24th April, Wepener was relieved and Dewetsdorp occupied by a body of troops under the command of Lieut.-General French. The enemy finding themselves thwarted in the south-east portion of the Orange Free State, took up a position between Thabanchu and Ladybrand from which they were gradually pushed back by the 8th Division under Lieut.-General Sir Leslie Rundle, Brigadier-General Brabant's Colonial Division, and a force under the command of Major-General Ian Hamilton. || 11. On the 28th and 29th April our troops were engaged with the enemy in the neighbourhood of Thabanchu, and on the 1st May the enemy was signally defeated at Houtnek with comparatively small loss on our side, thanks to the admirable dispositions made by Major-General Ian Hamilton. It would doubtless have been more satisfactory had the troops employed at Dewetsdorp and Wepener been able to cut off the enemy's retreat and capture their guns; but, as I have already explained, they were limited in number, and during the recent operations the Boers moved with hardly any baggage, each fighting man carrying his blankets and food on a led horse. Being intimately acquainted with the resources of the country, and where grain and cattle were abundant, the enemy were not obliged to take their supplies with them, and could march at a pace which our troops could not hope to equal. It followed, therefore, that they were able to escape without suffering any other loss than that inflicted by our troops when dislodging them from the various positions they occupied. || 12. By the beginning of May I had all the strategical points in the south-eastern districts securely held, and I was no longer anxious for the safety of the railway. The condition of the Cavalry, Artillery, and Mounted Infantrie had materially improved, and a considerable number of remounts had arrived; sufficient supplies had been collected at Bloemfontein, and the arrangements for the transport had been completed. Under these circumstances I felt justified in ordering a forward movement towards Kroonstad. I left Bloemfontein by train for Karee Siding; to this point I had previously despatched the 11th (Pole-Carew's) Division. The 1st (Hutton's) Brigade of Mounted

Infantry had moved to Brakpan, 10 miles to the west, while Lieut.-General Tucker with the 15th (Wavell's) Brigade of the 7th Division was 2 miles to the east of the siding; the 14th (Maxwell's) Brigade was at Vlakfontein, 5 miles further east. On the morning of this day, Major-General Ian Hamilton's force was at Isabellafontein. || 13. Brandfort was occupied the same afternoon, the Boer forces under General Delarey making but a feeble resistance, as soon as their right flank had been turned by Hutton's Mounted Infantry. || 14. The following day the 7th and 11th Divisions with the 1st Brigade of Mounted Infantry remained in the vicinity of Brandfort, while Major-General Ian Hamilton engaged and drove back the enemy's rear guard at Welkom about 15 miles south of Winburg. On this occasion the junction of the two Boer Forces was frustrated by a well-executed movement of the Household Cavalry, the 12th Lancers, and Kitchener's Horse, under the command of Lieut.-Colonel the Earl of Airlie. The enemy fled after the encounter, leaving their dead and wounded on the field. || 15. On the 5th May the force which I was accompanying marched to within 3 miles of the Vet River, the north bank of which was held by the enemy in considerable force. For three hours the action was chiefly confined to artillery on both sides, our Field and Naval guns making excellent practice, but just before dark the Mounted Infantry executed a turning movement, crossing the river 6 miles west of the railway bridge, which, like other bridges over the rivers along our line of advance, had been previously destroyed by the enemy. In this affair the Canadian, New South Wales, New Zealand Mounted Infantry, and the Queensland Mounted Rifles, vied with each other in their efforts to close with the enemy. We captured one Maxim gun and 26 prisoners, our losses being slight. || 16. On this day Major-General Ian Hamilton captured Winburg after an engagement at Bobiansberg in which tho 2nd Bn. Black Watch under Lieut.-Colonel Carthew-Yorstoun greatly distinguished themselves. || 17. During the night the enemy retired northwards to the Zand River, and on the 6th May the main force crossed the Vet River unopposed and occupied Smaldeel Junction. The drifts in the river bed were so bad that considerable delay occurred in getting the baggage and supply convoy across the Vet, and I was consequently obliged to halt at Smaldeel for two days. The Mounted Infantry, however, pushed on to Welgelegen, and Major-General Ian Hamilton's force moved some 10 miles north of Winburg, its place there having been taken by the Highland Brigade. || 18. I was joined on the 8th May by Lieut.-General French with the 1st (Porter's), 3rd (Gordon's) and the 4th (Dickson's) Brigades of Cavalry, and the following day the whole force marched to Welgelegen, the 1st and 4th Cavalry Brigades and the Mounted Infantry moving on to the south bank of the Zand opposite Dupreez Laager. That evening a squadron of the Scots Greys succeeded in crossing the river near Verneulen's Kraal and holding the drift at that point. The 7th Division bivouacked near Merriesfontein, and Major-General Ian Hamilton marched to Bloemplaats, and pushed

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on the 1st Bn. Derbyshire Regiment to Junction Drift. || 19. On the morning of the 10th May the enemy could be seen holding the north bank of the Zand in considerable strength. At daybreak Lieut.-General French with two Cavalry brigades crossed the river and made a wide turning movement past the diamond mine at Dirksburg, supported by the 1st Mounted Infantry Brigade under Major-General Hutton. I directed Ross' and Henry's Mounted Infantry battalions to seize the drift near the railway bridge. This they succeeded in doing by 7 a. m. and were followed across the river by the 3rd Cavalry Brigade and the 11th Division. The 7th Division crossed by Junction Drift. Major-General Ian Hamilton pushed forward the Cavalry Brigade across the same drift followed by the 21st Brigade under Major-General Bruce Hamilton, and the 19th Brigade under Major-General Smith-Dorrien. The enemy on his flank, as well as in front of Lieut.-General French, offered a stubborn resistance, but by 11.30 a. m. they were driven from the positions they had taken up, and withdrew towards Kroonstad, blowing up the railway bridges and culverts as they fell back. || 20. My head-quarters with the 11th Division pressed on that day to Riet Spruit, 8 miles north of the river. The 7th Division bivouacked at Deelfontein Noord, and Major-General Ian Hamilton's column halted about 4 miles east of that place. During the afternoon Lieut.-General French with the 1st and 4th Cavalry Brigades, and Hutton's Brigade of Mounted Infantry reached a point 4 miles west of Ventersburg Road Station. || 21. On the 11th May I marched with the 11th Division some 20 miles to Geneva Siding, 14 miles from Kroonstad, and 8 miles from Boschrand, where the Boers were holding an entrenched position to cover the town. Gordon's Cavalry Brigade advanced to within touch of the enemy, supported, on the left, by Hutton's Mounted Infantry. Lieut.-General French, with the 1st and 4th Cavalry Brigades, marched to the Valsch River Drift, 10 miles northwards of Kroonstad, with instructions to cut the railway line. The 7th Division halted a short distance south-east of Geneva Siding, with Major-General Ian Hamilton's column a little further to the east. || 22. During the night the enemy evacuated their entrenchments at Boschrand and retreated northwards, and on the 12th May I entered Kroonstad, with the 11th Division, without encountering any opposition. || President Steyn had left the town on the evening of the 11th May, after having previously proclaimed Lindley to be the seat of the Orange Free State Government. Commandant-General Botha and Commandant De Wet accompanied the Transvaalers in their retreat northwards. || 23. Turning now to the operations in other directions, I may remark that during the period dealt with in this letter nothing calling for special notice occurred in Natal. The Boers continue to entrench themselves on the Biggarsberg, and held the Drakensberg Passes, but they attempted no offensive action. Sir Redvers Buller remained at Ladysmith, and beyond keeping the enemy under observation did not risk any serious engagement. In this he was acting in accordance with my wishes, for, as he did not feel

himself strong enough to force the Drakensberg Passes, he could not afford me any material assistance until I was in possession of Kroonstad and prepared to advance on the Transvaal. || 24. In the vicinity of Kimberley the course of events has been as follows: — On the 16th March, Lord Methuen reconnoitred as far as Fourteen Streams, returning the same evening to Warrenton. He subsequently visited Barkly West, and repaired the railway line between Kimberley and Warrenton. On the 3rd April he proceeded to Boshof with the force marginally named. On the 5th April, with the Imperial Yeomanry, Kimberley Mounted Corps, and 4th Field Battery, he surrounded a small Boer commando near Boshof. Colonel de Villebois Mareuil and seven of the enemy were killed, eight were wounded, and the remainder, numbering 54 Boers, Frenchmen, and Germans, were taken prisoners. || 25. On this day, a message, dated 17th March, was received from Colonel Baden-Powell to the effect that the enemy were still besieging Mafeking, though in somewhat reduced numbers. A reinforcement under Colonel Plumer was approaching from the north, but it seemed doubtful whether it could break through the Boer lines. I had previously enquired from him how he stood as regards supplies, and he informed me in reply that they would, in all probability, only last until the 18th May. || 26. On the 17th April, I gave orders for the formation of a flying column of mounted troops about 1100 strong, with mule transport, for the relief of Mafeking. I placed Colonel B. T. Mahon, 8th Hussars, in command of this force, which consisted of 900 mounted men, including the Imperial Light Horse, four Horse Artillery guns with 100 men, 100 picked Infantry soldiers to guard the wagons, 52 wagons with 10 mules each, and nearly 1200 horses. The column was to take with it rations for 16 days and forage for 12 days. Medicines and medical comforts for the Mafeking garrison were also to be taken. Food and other stores for Colonel Baden-Powell's force were to be sent on by railway as soon as the line could be repaired. The flying column was ordered to start not later than the 4th May. || 27. On the 24th April I instructed Lieut.-General Hunter to have everything in readiness for an immediate advance, and to co-operate with Lord Methuen in distracting the enemy's attention until the flying column had crossed the Vaal and had obtained a good start. On the 29th April Lieut.-General Hunter reported that he hoped to force the passage of the Vaal on the 2nd May, and to send on the flying column on the 4th May. It started on the day specified, and while penning these words the gratifying news reaches me that Mafeking was relieved on the 18th May after an heroic defence of over 200 days. || 28. On the 5th May, Major-General Barton's Brigade engaged the enemy 2000 strong, 2 miles north of Rooidam, and inflicted considerable loss on the Boers, who retired northward. On the 7th May, Lieut.-General Hunter occupied Fourteen Streams without opposition, the enemy retreating in great disorder, and abandoning their ammunition, clothing, and personal effects. This result was in a great measure due to the able dis-

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Nr. 12286. Grofsbritannien. 21. Mai 1900. positions of Major-General Paget, who brought a powerful artillery fire to bear on the Boer position. || 29. The repair of the railway bridge at Fourteen Streams was at once taken in hand, and a strong entrenched post to be held by one battalion was constructed. The force under Sir A. Hunter occupied Christiana, and is now moving along the railway line towards Mafeking, while that under Lord Methuen is marching from Hoopstad to join me. || 30. It only remains to say that, since our entry into Bloemfontein on the 13th March, the pacification of the Prieska district has been completed. The arrangements for this were initiated by Major-General Lord Kitchener with his characteristic energy, and carried out by Brigadier-General Settle, Colonel Sir C. Parsons, and Lieut.-Colonel Adye. || 31. Tranquillity has been restored in the northern districts of Cape Colony, where a large number of rebels had joined the Boers. || 32. Progress has also been made in organizing a provisional administration in that portion of the Orange Free State which is occupied by the British troops, District Commissioners, under the control of the Military Governor of Bloemfontein, having been appointed, and a police force being in course of formation. || 33. I enclose a list of casualties.*)

I have the honour to be,
My Lord
Your most obedient Servant,
Roberts, Field-Marshal.

Nr. 12287. GROSSBRITANNIEN. — Lord Roberts an das Kriegsministerium. Bericht über die Zeit von Mitte Juni bis Anfang Oktober.

Army Head-quarters in South Africa, Pretoria, 10th October 1900.

Nr. 12287. Grofsbritannien. 10. Okt. 1900. My Lord, || In continuation of despatch, dated 14th August 1900, I have the honour to submit for your Lordship's information an account of the military operations in the Orange River Colony and Transvaal from the 14th June up to the present date. || 2. Subsequent to the occupation of Johannesburg and Pretoria the organized forces of the enemy were materially reduced in number, many of the burghers in arms against us returning to their farms, surrendering their rifles, and voluntarily taking the oath of neutrality. But the submission only proved real when the burghers were protected from outside interference by the actual presence of our troops. Whenever a Boer Commando has traversed a district the inhabitants of which had ostensibly resumed their peaceful avocations, a considerable part of the male population has again joined the enemy and engaged in active hostilities. In some cases it has been reported that arms have been taken up with alacrity. In most instances, however, hostilities were only resumed with reluctance, and after

*) Hier fortgelassen. Red.

some pressure had been placed upon them by the Boer Commandants or Field-cornets concerned. || 3. During the period dealt with in this despatch the first objective in urgency and importance was to provide for the security of the railway south of the Vaal, and to capture or disperse the enemy's forces to the east of that line and in the north-east angle of the Orange River Colony. The second objective was to push eastward from Pretoria towards Komati Poort, defeating and dispersing the troops under Commandant-General Botha, and releasing the British prisoners confined at Nooitgedacht. But at the same time that portion of the Transvaal which lies west of Johannesburg and Pretoria hat to be kept under control; the railway line from Johannesburg through Krugersdorp to Potchefstroom could not be left unguarded; and, in view of the presence of the enemy north of the Delagoa Bay railway, it would have involved undue risk to attempt an advance against the Boer head-quarters at Machadodorp until sufficient troops were available, not only for the forward movement, but to secure the line of communication between Pretoria and the field force operating eastward. To obtain these troops I had to wait until the railway from Natal to Johannesburg had been restored and proper arrangements made for its protection, and until the action which was being taken in the north-east of the Orange River Colony had been so far successful as to admit of the transfer to the Transvaal of a considerable portion of the troops engaged in that direction. || 4. In further explanation of the delay which has occurred in dealing with the Boer force under Commandant-General Botha, it may be mentioned that, though the inhabitants of the Lichtenburg, Potchefstroom, and Rustenburg districts seemed at first disposed to submit quietly to the British authorities, a large proportion of them subsequently joined General Delarey's Commando and assisted him in attacking the garrisons which were posted at the principal towns and in intercepting convoys of supplies. It consequently became necessary either to withdraw or reinforce these garrisons, as well as organize flying columns for the pursuit of the enemy. || The vast area of the country in which the operations are being conducted has also to be remembered. The troops have had to march long distances, and, though existing railways have been utilized to the fullest extent, the limited capacity of single lines — especially of that between Pretoria and Bloemfontein — coupled with the scarcity of rolling-stock, has rendered it difficult to move and concentrate rapidly according to the European standard of what should be possible in war. || 5. To deal with the organized forces of the enemy was a comparatively easy matter; but in South Africa the problem has been complicated, and the settlement of the country retarded, by the determination of some of the Boer leaders to pursue a guerilla warfare after their troops had been defeated in the field. Owing to the non-compliance of the Boers with the recognized custom of war which compels combatants to wear a distinctive uniform, they have found it easy to pose as peaceful agriculturists one day and to take part in active hostilities on the

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next. Their leaders have also usually found means by threats or by persuasions to induce them to disregard their oath of neutrality, although this was voluntarily taken by men who at the time professed themselves anxious to submit to the British Government. To their honour be it said, a few of the burghers have suffered imprisonment or loss of property sooner than thus break their faith, but their number was not sufficient to enable them to exercise any influence on the general situation. || Recent events have convinced me that the permanent tranquility of the Orange River Colony and Transvaal is dependent on the complete disarmament of the inhabitants; and though the extent of country to be visited, and the ease with which guns, rifles, and ammunition can be hidden, will render the task a difficult one, its accomplishment is only a matter of time and patience. || 6. My last despatch ended with the defeat of the Boers under Louis Botha at Diamond Hill on the 12th June and their retreat the next day towards Middelburg. I then issued orders for the formation at Pretoria of a strong column under Lieut.-General Ian Hamilton, which would move through Heidelberg on Frankfort, and thence co-operate with Lieut.-General Rundle and Major-Generals Clements and Paget with a view to driving the Commando under C. De Wet eastwards towards Bethlehem and surrounding it, as well as the other Boer forces which were still occupying the north-east angle of the Orange River Colony. On reaching Heidelberg the column was to be joined by the 81st Battery, Royal Field Artillery, from the line of communication and by two companies of Imperial Yeomanry from Major-General Hart's Brigade. Hart, with a portion of his Brigade was to garrison Heidelberg. On reaching Frankfort Ian Hamilton's column was to be further strengthened. The force thus rendered available for operations beyond Frankfort amounted to two Cavalry Brigades, some 3000 Mounted Infantry, Imperial Yeomanry, and other mounted corps, seven Infantry battalions, three Horse and three Field batteries, two 5-inch guns, 5 pompoms, and twenty-one machine guns. || To protect the railway between Kroonstad and the Vaal River, and to prevent De Wet from breaking out westward, Lord Methuen's force was directed to take up a position in the neighbourhood of Paardekraal, 10 miles south-west of Heilbron on the Kroonstad road. || Heilbron, which would be Ian Hamilton's base of supply on reaching Frankfort, and operating thence towards Bethlehem, was to be garrisoned by 50 Mounted Infantry and one battalion from the 9th Brigade, with two 47-inch naval guns. || The force at and near Lindley under Paget was to act in the direction of Bethlehem in conjunction with the troops under Clements. Clements, whose head-quarters were at Senekal, was to be reinforced and to proceed to Bethlehem, being joined on the march by Paget's column. The combined movement from Lindley and Senekal was to begin on 28th July. || Lieut.-General Sir L. Rundle was instructed to occupy the line from Winburg through Trommel to Ficksburg with 1000 mounted troops. As soon as the combined force under Clements had arrived north of Bethlehem he was to

garrison that place and subsequently to operate against Harrismith. The force at Rundle's disposal consisted of the balance of the Colonial Division — namely, about 1 200 mounted men, two battalions of Imperial Yeomanry, three Field batteries, and seven Infantry battalions. ‖ 7. Leaving Pretoria on the 19th June, Ian Hamilton's column occupied Heidelberg on the 23rd. The enemy vacated the town, and were pursued for some distance by our Cavalry. The Boksburg Commando was completely broken up, 60 Boers laying down their arms and the remainder dispersing in different directions. During the Cavalry pursuit, Lieut.-General Ian Hamilton unfortunately broke his collar-bone and had to return to Pretoria. I accordingly placed Lieut.-General Sir A. Hunter in command of the column, which he joined on the 25th June. On the 27th, the column left Heidelberg, and, crossing the Vaal at Villiersdorp, reached Frankfort on the 1st July. Two days later Hunter was joined there by the troops from Heilbron under Macdonald. On the 4th July, the force marched south towards Reitz, from which place, on the approach of the British troops, 800 prisoners belonging to the Irish Battalion of the Imperial Yeomanry and the 4th Bn. Derbyshire Regiment were despatched by the Boers across the Natal frontier, and proceeded to Ladysmith. The Officers, however, were not liberated, but sent to Nooitgedacht, on the Delagoa Bay railway. Bruce Hamilton was left at Reitz with the 21st Brigade, two Field batteries, and the 7th Corps of Mounted Infantry, with orders to send back a convoy of empty wagons to bring on fresh supplies from Heilbron under escort of one battery and one battalion. Hunter reached Bethlehem on the 10th July, where he received orders placing Rundle's Division and Clements's column under his command. On the 11th July, the 3rd Cavalry Brigade was sent back to Heilbron viâ Reitz, the country south of Bethlehem being so hilly that the presence of two Cavalry Brigades seemed unnecessary; and, on the 14th, Bruce Hamilton's Brigade rejoined Hunter at Bethlehem.

8. On reaching Bethlehem, Hunter found that it had been occupied on 7th July, after two days' fighting, by the force under Clements and Paget. The combined movements of troops under the latter Officers, and under Rundle, had been carried out as directed. On the 26th June, Clements ordered his mounted troops, with two field guns, to attack a Boer laager at Rietfontein, 7 miles north of Senekal. The enemy were dispersed and the laager destroyed, our casualties being three killed and 23 wounded. The same day Paget engaged the enemy near Lindley, while they were endeavouring to intercept a convoy of supplies. The Boers were driven off with a loss on our side of 10 men killed and four Officers and 50 men wounded. On 2nd July, Clements and Paget joined hands and began their advance on Bethlehem, the enemy, under C. De Wet, falling back in a south-easterly direction. On the 3rd July, Paget drove the Boers from a strong position which they were holding across his line of march, and bivouacked 15 miles north-west of Bethlehem. On approaching the town on the evening of the 5th July,

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Clements, who, as senior Officer, was in command of the two columns, found C. De Wet occupying the hills to the south. The next morning Bethlehem was summoned to surrender, and, on this demand being refused, Paget moved to the north-west with the object of turning the enemy's left, while Clements's troops operated on their right flank. On the morning of the 7th, a general assault was made, and by noon the place was in our hands and the Boers were in full retreat to the north-east. On this occasion, the 1st Bn. Royal Irish Regiment specially distinguished itself, capturing a gun of the 77th Battery, Royal Field Artillery, which had been lost at Stormberg. The good service rendered by the 38th Battery, Royal Field Artillery, and the City Imperial Volunteers Battery has also been brought to notice by Major-General Paget. || 9. On being driven from Bethlehem the enemy — estimated at about 7000 strong, with 20 guns — retired through the hills into the Brandwater Basin, around which they occupied positions of great natural strength at Naauwpoort, Retief's, and Slabbert's Neks, Witnek and Commando Nek. These, at the time, were believed to be the only points of ingress into, or egress from, the Basin; but it was afterwards found that there was another route available trough Golden Gate in the Harrismith direction. The disposition of the investing force, on the 11th July, was as follows:—The 8th and Colonial Divisions, under Rundle, were echeloned along the line from Ficksburg to Biddulphsberg, their duty being to watch Witnek and Commando Nek, and to prevent the enemy from breaking out to the south-west. Clements's Brigade, awaiting supplies from Senekal, was at Biddulphsberg; while at, or near Bethlehem were the 2nd Cavalry Brigade under Broadwood, the 2nd Brigade of Mounted Infantry under Ridley, the Highland Brigade under Macdonald, the 20th Brigade under Paget, and the 21st Brigade under Bruce Hamilton. On the 15th July, the 2nd Cavalry Brigade and the 20th Infantry Brigade were sent out along the road to Senekal, with the object of heading back the enemy if they should attempt to break out in that direction, but during the night a Boer force under C. De Wet, consisting of about 1500 men and six guns, and accompanied by Mr. Steyn, succeeded in escaping through Slabbert's Nek, and rapidly moved off towards Lindley. On the 16th, Broadwood's Cavalry, with 800 Mounted Infantry under Ridley, were ordered to pursue De Wet, and Clements was directed to relieve Rundle's troops in front of Witnek. On the 20th and 21st, Bruce Hamilton, with the Cameron Highlanders, a corps of Mounted Infantry, and the 82nd Battery, Royal Field Artillery, attacked the enemy holding Spitzkop, a hill 9 miles south-east of Bethlehem, and succeeded in occupying it. Drawing his cordon tighter, Hunter, ond 22nd July, moved the Highland Brigade, the 5th and 76th Batteries, Royal Field Artillery, Lovat's Scouts, and Rimington's Guides, in front of Retief's Nek, this force being joined the next morning by the 1st Bn. Boyal Sussex Regiment and the 81st Battery, Royal Field Artillery. On the 23rd, the heights commanding the nek were seized by the Black Watch and

Highland Light Infantry, our casualties being one Officer and 11 men killed, and six Officers and 68 men wounded. The same day Clements effected a junction between his own troops and those under Paget 2 miles north of Slabbers's Nek. Holding the enemy in front with the 1st Bn. Royal Munster Fusiliers, he gained a footing on the high ground to the right of the nek by a turning movement executed by the 1st Bn. Royal Irish Regiment, the 2nd Bn. Wiltshire Regiment, and Brabant's Horse. Early on the 24th, the Boers vacated Retief's Nek, and Hunter pushed through the pass into the valley beyond, while Clements occupied Slabbert's Nek and sent his mounted troops and artillery in pursuit of the retreating enemy. Rundle was now directed to move towards Fouriesburg, and, on the 25th, Macdonald and Bruce Hamilton's blocked the exits from the Brandwater Basin at Naauwpoort Nek and Golden Gate. The same day, Hunter advanced, with Clements's and Paget's troops, in the direction of Fouriesburg, on which place the enemy had retired. On entering the town, on the 26th July, he found it already occupied by a portion of Rundle's Division, headed by Driscoll's Scouts, who had made a forced march of 25 miles from Commando Nek. Macdonald, in the meantime, had blocked Naauwpoort Nek and Golden Gate, towards which the Boers had fallen back, and, on the 28th, Hunter followed the enemy with Clements's and Paget's Brigades, and the available troops of the 8th Division. On the 29th, General Prinsloo asked for a four days' armistice, and, this request being refused, agreed to surrender unconditionally the following morning. On the 30th July, Prinsloo and Crowther, with the Ficksburg and Ladybrand Commandos, 879 strong, surrendered, other commandos coming in later. General Olivier, with his commando, managed, however, to escape during the night through Golden Gate, though he and his men had been included by Commandant-General Prinsloo in the unconditional surrender of the Boer force. The total number of prisoners taken was 4140, with three guns, two of which belonged to „U“ Battery, Royal Horse Artillery. Over 4000 horses and ponies, a large number of rifles, and over a million rounds of small-arm ammunition also fell into our hands. || 10. On the surrender of Prinsloo's force, Hunter directed Macdonald to march on the 1st August to Harrismith in pursuit of Olivier with 700 mounted troops, four battalions, two 5-inch guns and 16 field guns. He reached Harrismith unopposed on the 4th August, and the next day was joined there by two squadrons of the 5th Lancers from Besters and one of the 13th Hussars from Ladysmith. Railway communication was opened between Harrismith and Natal, the line having only been slightly damaged. As it had been ascertained that Olivier had moved northwards through Vrede, and Macdonald's troops were wanted elsewhere, I ordered them to be relieved by nine companies of Imperial Yeomanry, Driscoll's Scouts, seven battalions, and 14 field guns from the 8th Division, under Rundle, who also provided garrisons for Senekal, Bethlehem, Fouriesburg, Ladybrand, and Thabanchu. Rundle reached Harrismith on the

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6th August, Macdonald leaving on the same day to rejoin Hunter at Bethlehem. Meanwhile, Paget's and Bruce Hamilton's Brigades had marched as escort of the Boer prisoners to Winburg, and Clements's Brigade had been ordered to Kroonstad.

11. I have already mentioned that C. De Wet's commando, which was accompanied by ex-President Steyn, had managed to break through Hunter's cordon during the night of the 15th July, and had been followed up by a mounted force 2300 strong, with two batteries of Horse Artillery, under Broadwood, in the direction of Lindley. To protect his baggage, Broadwood took the 1st Bn. Derbyshire Regiment and two field guns from the escort of a convoy which he met on the road between Lindley and Bethlehem. The 3rd Cavalry Brigade had reached Heilbron on the 15th July. There Brigadier-General Gordon, who commanded it, was ordered to Pretoria to replace Colonel Porter, who had broken his collar-bone, in command of the 1st Cavalry Brigade, and was succeeded by Lieut.-Colonel Little. On the 16th, the brigade left Heilbron for Kroonstad, and the next day I ordered it to march as rapidly as possible towards Lindley and join Broadwood's Column. On the morning of the 19th, Little came into touch with a portion of De Wet's commando near Lindley, and in the afternoon Broadwood attacked the enemy's rearguard, the action continuing until dusk. The commando then broke up into two parties, both of which, owing to the superior mobility of the Boers, contrived to get away during the night. One of these parties reached the railway on the night of the 21st July, and captured a supply train 20 miles north of Kroonstad. The Commando afterwards reunited to the west of Roodeval Station. Broadwood, after joining hands with Little on the 21st July, crossed the railway in pursuit, and three days later found De Wet holding a strong position in the hills east of Reitzburg. Not strong enough to attack the enemy, he held on to Vredefort and awaited the arrival of Infantry reinforcements. || 12. While the operations described above were taking place in the Orange River Colony, the Boers had been displaying considerable activity north of the Vaal, and along the railway in the vicinity of Kroonstad. Botha's force retreated towards Middelburg on the 13th June, and Baden-Powell from Zeerust occupied Rustenburg on the 14th, a small column being sent the following day from Pretoria to meet him and repair the telegraph line between the two places. On the 14th June, our post on the railway at Zand River was attacked by 800 Boers with three guns, but Major-General Knox, Commanding at Kroonstad, promptly sent out reinforcements, and the enemy were driven off with some loss. On the 18th June, Hunter, who had been advancing eastward trough Potchefstroom, reoccupied Krugersdorp with his mounted troops under Mahon, and one battery of Horse Artillery, being joined the next day by Hart's Infantry Brigade and a Field battery. On the 21st June, Baden-Powell reported that 3000 rifles had been handed in at Rustenburg, and that the district was quiet, a small commando,

under Field-Cornet Duplessis, having retired north-eastward. The same day Hunter was ordered to proceed from Krugersdorp to Heidelberg with troops under Hart and Mahon, Barton's Brigade, which was then holding Klerksdorp and Potchefstroom, moving on to Krugersdorp. A Field battery and two battalions of the latter brigade, the 2nd Bn. Royal Scots Fusiliers and the 1st Bn. Royal Welsh Fusiliers remained as garrison of Krugersdorp, under Barton, the remaining, two, the 2nd Bn. Royal Irish Fusiliers and the 2nd Bn. Royal Fusiliers, being railed to Pretoria. In Hart's Brigade a wing of the 2nd Bn. Sommersetshire Light Infantry had remained at Vryburg, while the other wing with the 2nd Bn. Royal Dublin Fusiliers and one Field battery, formed the garrison of Heidelberg, under Hart; the 1st Bn. Border Regiment and the 1st Bn. Connaught Rangers, marching to Irene Station. Mahon's mounted troops with the Imperial Light Horse and one battery of Horse Artillery, were also moved to Irene. || 13. On the 22nd June, a Boer commando 700 strong, with three guns, attacked the post on the railway at Honingspruit, north of Kroonstad. The enemy were driven off by a force from Kroonstad, after having destroyed three culverts and broken up the line. Lord Methuen was ordered to move his column from Heilbron towards Honingspruit, and after clearing off the enemy to take up a central position near Paardekraal, so as to cover the railway from the east. || 14. On the 25th June, a large convoy under Colonel Brookfield, Commandant 14th Battalion Imperial Yeomanry, left Kroonstad for Lindley. This column was engaged with the enemy, 1500 strong with two guns, throughout the 26th and 27th, but Colonel Brookfield succeeded in bringing the convoy safely into Lindley on the evening of the latter day. The casualties were two men killed, two Officers and 14 men wounded, and five men missing. || 15. On the 27th June, the post on the railway near Roodeval Station was attacked, but the enemy were repulsed by a detachment of the Shropshire Light Infantry and the West Australian Mounted Infantry, with the aid of a 15-pr. gun on an armoured train. || 16. On the 20th June, Lord Methuen reported from Paardekraal that he had captured 8000 sheep and 800 head of cattle, and that the enemy had withdrawn eastward; and 2nd July he arrested at Welgelegen Andries Wessels, a prominent Boer member of the Afrikander Bond. The next day he captured 6000 sheep and 500 oxen, the property of the enemy, near Paardekraal. On the 8th July, Mr. Blignaut, State Secretary of the Orange Free State; Mr. Dickson, Attorney-General, and Mr. van Tonder, Member of the Council, surrendered at Heilbron.

17. Early in July a force consisting of Mounted Infantry details, about 1200 strong, under the command of Colonel T. E. Hickman, D.S.O., was organized at Kroonstad, to assist Lord Methuen in protecting the railway. The enemy having been pushed back by the combined movement of the troops under Hunter, Clements, and paget, Hickman's force was no longer required south of the Vaal, and on the 11th and 12th July, it was railed from

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Kroonstad to Pretoria. For the same reason on the 12 July, I directed Lord Methuen's column, which had moved to Lindley, to march to Kroonstad, and thence proceed by rail to Krugersdorp. || 18. By 20th June, 4000 rifles had been collected by Baden-Powell from the Boers in the Rustenburg district, but shortly afterwards signs of unrest were apparent north of the Magaliesberg, and in the country between Rustenburg and Mafeking. At first only a few scattered parties of the enemy were reported to be in the field, and in order to break them up Baden-Powell was directed to leave a small garrison at Rustenburg, under Major the Hon. A. H. C. Hanbury-Tracy, and to march eastward with the remainder of his troops to Commando Nek. Orders were also given for Carrington's force to concentrate at Mafeking, detachments being left to guard the principal drifts across the Crocodile River, namely, Baines, Rhodes, and Victoria Drifts. On the 5th July, definite information reached me that a commando under Delarey, 2 000 strong with four guns was threatening Rustenburg from the north-east, and that Oliphant's Nek, 10 miles south of that town, had been occupied by the Boers. Baden-Powell was then holding Commando and Uitval Neks, with his head-quarters at Rietfontein, south of the Magaliesberg and between the two neks. His force consisted of 450 mounted men, a Canadian Field battery and two Mountain guns. Lieut.-Colonel C. O. Hore was at Elands River, 40 miles west of Rustenburg, with 400 Imperial Bushmen, two Field guns and one Maxim. Having arranged to relieve the detachments at Commando Nek and Uitval Nek by troops from Pretoria, I ordered Baden-Powell to return to Rustenburg. On the 7th July, the Boers attacked that place but were beaten off. Hore's column making a rapid march and reinforcing the garrison towards the end of the engagement. Baden-Powell reached Rustenburg the next day, but a large commando remained in position 6 miles to the south, which he was not strong enough to deal with. || 19. Meanwhile, at the beginning of July, the enemy assumed an aggressive attitude towards the east of Pretoria, and the following dispositions were made to prevent them from getting round our right flank and interrupting railway communication with the south. Mahon's troops, with the Imperial Light Horse, one battery of Horse Artillery, and two battalions from Hart's Brigade (the Border Regiment and Connaught Rangers) were ordered to Rietfontein, 6 miles east of Irene. The column was strengthened by Hutton, who assumed the command. On the 8th July, it was further reinforced from Krugersdorp, Hutton advancing on that date with his mounted troops to Rietvlei. On the 9th July, French was sent from Kameeldrift to the south of the Delagoa Bay railway, and on the 11th in co-operation with Hutton, he engaged the enemy and pushed them back to the east of Bronkhorst Spruit. The next day French was directed to return to Pretoria with three battalions and two 5-inch guns, while the 2nd Bn. Duke of Cornwall's Light Infantry, was moved from Irene to Derdepoort, and the 1st Bn. Souffolk Regiment from Irene to Tigerpoort. || 20. When Baden-

Powell left Rietfontein for Rustenburg, Commando and Uitval Neks were occupied by the Scots Greys with a battery of Horse Artillery, and the Waterval post north of Pretoria was held by the 7th Dragoon Guards. The Scots Greys were subsequently reinforced by the 2nd Bn. Lincolnshire Regiment, under Colonel H. R. Roberts. On the 11th July, the Boers simultaneously attacked Uitval Nek and Waterval. At the former place, owing mainly to the defective dispositions of the Commanding Officer, the enemy gained possession of the pass and captured two guns, almost an entire squadron of the Scots Greys, and 90 Officers and men of the Lincolnshire Regiment, including Colonel Roberts who had been wounded early in the day. The 1st Bn. King's Own Scottish Borderers, under Lieut.-Colonel Godfrey, were despatched from Pretoria to strengthen the post, but arrived too late to extricate the garrison. At Waterval the 7th Dragoons were well handled, and our loss would have been trifling had not one troop mistaken the Boers for their own comrades. The regiment was supported in the early morning by one squadron of the 14th Hussars, one company of the 2nd Bn. Hampshire Regiment, and two Field guns, but owing to the numerical superiority of the enemy, it had to fall back to Derdepoort, which was strongly held. || 21. On the 10th July, Smith-Dorrien, whose brigade had been employed in guarding the railway between Pretoria and the Vaal, was ordered to proceed by rail to Krugersdorp with the 2nd Bn. Shropshire Light Infantry, and 1st Bn. Gordon Highlanders. On the 11th, he marched towards Heckpoort with these battalions, one company of Imperial Yeomanry, and two guns of the 20th Battery, Royal Field Artillery, his object being to collect supplies which the inhabitants were anxious to sell to us before the Boers from Olifant's Neck could get hold of them. On reaching Zeekoehoek, 10 miles from Krugersdorp on the road to Heckpoort, he found the enemy holding a strong position across his line of advance, and an engagement which lasted 6 hours, resulted in his withdrawal to Krugersdorp, with the loss of one Officer killed and two Officers and 35 men wounded. It had been my intention that the Scots Greys with two guns from Commando Nek should join Smith-Dorrien on his march towards Heckpoort, but this combination could not be effected, owing to the enemy's attack on the Uitval Nek.

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22. As previously mentioned, Lord Methuen was ordered to Krugersdorp from Lindley on the 13th July; his force consisting of 1200 mounted troops, 2400 infantry, 12 field guns, two 5-in. howitzers, two pompoms, and nine machine guns. The movement was completed by the 16th, on which day I arranged for the column, in combination with the troops under Smith-Dorrien, to clear the road to Rustenburg and relieve the garrison there under Baden-Powell. Leaving Krugersdorp on the 18th July, Lord Methuen reached Heckpoort unopposed on the 19th, Baden-Powell advancing at the same time to Olifant's Nek with 400 mounted men and six guns. Olifant's Nek was occupied on the 21st after a short engagement, the enemy retreating hastily

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eastward along the Magaliesberg range. On the 20th the Boers under General Delarey destroyed the railway line near Bank Station, between Krugersdorp and Potchefstroom. I, therefore, directed Lord Methuen to leave a sufficient garrison in Rustenburg under Baden-Powell, and to return in the direction of Krugersdorp. The 1st Bn. North Lancashire Regiment, from Methuen's column, with two guns and 50 mounted men from Baden-Powell's force, was left to hold Olifant's Nek, while 450 Imperial Bushmen under Colonel Airey were despatched to repair the telegraph line and clear the road between Rustenburg and Zeerust. On the 22nd July this party came into contact with a Boer commando, 1000 strong, a few miles west of the Magato Pass, and after a protracted engagement succeeded in dispersing the enemy, with the loss on our side of one Officer and five men killed, and 19 men wounded. On the 26th July Lord Methuen's force had reached Bank Station, and the same day Baden-Powell reported that several Boer commandoes, aggregating 3000 men with eight guns, were concentrating on Rustenburg. Meanwhile a large convoy of supplies escorted by Lieut.-Colonel Hore had left Mafeking for Elands River en route to Rustenburg, and Carrington with four companies of Imperial Yeomanry under Lord Erroll, and four squadrons of Paget's Horse, was ordered to proceed in the same direction with a view to reinforcing Baden-Powell. || 23. At this time C. de Wet was still holding the hills near Reitzburg, and as it seemed likely that he would attempt to cross the Vaal and effect a junction with Commandant-General Botha to the east of Pretoria, I directed Lord Methuen to move on Potchefstroom, and thence take a position from which he could observe the drift across the river near Venterskroon. On the 28th July Lord Methuen engaged the enemy at Frederickstad, and the next day reached Potchefstroom. Smith-Dorrien was left at Frederickstad, where on the 31st he was attacked, but repulsed the enemy who retired on Ventersdorp. || 24. While these operations were going on, Hutton, whose outposts were holding the Tigerpoort—Witpoort ridge east of Irene, was attacked by 2000 Boers with eight guns at daybreak on the 16th July. On this occasion the detachment at Witpoort under Major Munn, 2nd Bn. Royal Irish Fusiliers, consisting of three companies of that regiment and 60 men of the New Zealand Mounted Rifles with two pompoms, greatly distinguished themselves. By 3 p. m. the enemy fell back, and at dusk they were in full retreat eastward. || 25. The time had now arrived when it was necessary to make a further move to the eastward along the Delagoa Bay Railway, but before this could be effected, it was necessary to clear the country to the north and east of Pretoria, where the Boers had been increasing in strength and boldness. A strong column was, therefore, organized and placed under Ian Hamilton's command. This column left Pretoria on the 16th July, and on the 18th had reached Hammanskraal, 25 miles north of Pretoria on the Pietersburg Railway. A second column under Mahon was concentrated on the latter date at Kameeldrift, 12 miles north-east of Pretoria. The head-

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quarters of the 11th Division were at Eerste Fabrieken, east of Pretoria, with the Guards Brigade 10 miles further east at Rhenosterfontein. French's force was distributed near Witpoort and Rietvlei, 30 miles south-east of Pretoria, Hutton's troops being on the left next the Guards Brigade and the Cavalry on the right. Ian Hamilton was ordered to move on Bronkhorst Spruit, viâ Doornkraal; Mahon joining him on the 21the July at the latter place, where the two columns were united under Hamilton's command. From Doornkraal Hickman's Mounted Infantry returned to Pretoria, escorting an empty convoy. Ian Hamilton's force reached Rustfontein 7 miles north of Bronkhorst Spruit on the 22nd July. The enemy, whose line of retreat was then threatened, abandoned the strong positions which they were holding in front of the 11th Division, and Stephenson's Brigade advanced unopposed on the 23rd to Eland's River Station, our right flank being protected by the Mounted Infantry and Cavalry under Hutton and French. The same day French crossed to the east of the Wilge River. On the 24th July I proceed from Pretoria by rail to Van der Merwe Station, marching thence to Bronkhorst Spruit, which was occupied in the course of the day by the 11th Division and Ian Hamilton's column. The enemy opposed Hutton and French 6 miles south of Balmoral. Colonel Alderson attacked their right, while the 1st and 4th Cavalry Brigades made a wide turning movement round their left. The Boers fell back towards Middelburg. On the 25th Balmoral was occupied by Ian Hamilton's troops, and the 11th Division reached Wilge River. French and Hutton crossed Olifant's River at Naauwpoort, and bivouacked on high ground whence the enemy could be seen retreating in great disorder through Middelburg. The next day French and Hutton occupied Middelburg, and a line of outposts was established so as to cut off communication between Botha's force and the Boer commandoes to the west and south of Pretoria. Finding that it would take some time to repair the railway bridges which had been destroyed between Pretoria and Middelburg, and to collect supplies at the latter place, and being of opinion that a considerably larger force than what was then available would be needed to operate towards Machadodorp, I returned to Pretoria on the 26th July. Ian Hamilton's column was also brought back to Pretoria, two battalions under Colonel Brooke, with the Canadian battery, being left at Pienaar's Poort. The 11th Division, under Pole-Carew, was distributed along the line from Balmoral to Middelburg; French being in command at Middelburg with his two Cavalry Brigades and Hutton's Mounted Infantry. On the 30th July, Ian Hamilton reached Pretoria with Mahon's Mounted troops, Cunningham's Infantry Brigade, a battery of Horse Artillery, the Elswick Battery, and two 5-inch and two 4·7-inch guns. || 26. I have already mentioned that on the 26th July, Baden-Powell reported that a strong Boer force was again threatening Rustenburg. As it was impossible at that time to find sufficient troops not only for holding the isolated posts at Rustenburg and Lichtenburg, but for keeping open communication with those

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places, I determined to withdraw the Rustenburg garrison to Commando Nek and the Lichtenburg garrison to Zeerust. To effect the first withdrawal I directed Ian Hamilton to march to Rustenburg and bring back with him Baden-Powell's force. Carrington, who was then at Mafeking, was ordered to proceed with his mounted troops to Elands River, to which place Lieut.-Colonel Hore, with 140 Bushmen, 80 men of the Rhodesian Regiment, and 80 Rhodesian Volunteers, had escorted a large convoy of supplies for the Rustenburg garrison. After accompanying this convoy into Rustenburg, Carrington was to fall back on Zeerust simultaneously with the withdrawal of Baden-Powell's force. Ian Hamilton's column left Pretoria on the 1st August, his Infantry marching to the south and his mounted troops to the north of the Magaliesberg towards Uitval Nek. The next day, on approaching the nek, he found it strongly held by the enemy, whom he engaged in front with a portion of Cunningham's Brigade, while two companies of the Berkshire Regiment gallantly escaladed the steep cliff overlooking the pass on the east. As soon as the Boers found that their position was under fire from above they fled, abandoning their wagons and horses. Our losses amounted to 40 killed and wounded. The mounted troops under Mahon on the north side of the Magaliesberg were delayed, and did not come up in time to take part in the engagement; otherwise but few of the enemy could have escaped. On the 4th August the column reached Kroondal, 5 miles south-east of Rustenburg, and the same day it was reported that a Boer commando, with four field guns and two pompoms, had surrounded Lieut.-Colonel Hore's camp at Eland's River. Carrington had marched from Zeerust on the 3rd August with 800 Imperial Yeomanry and Bushmen and a 15-pr. battery manned by New Zealanders. Two days later he was at Marico River, whence he made a reconnaissance to within 2 miles of the post at Elands River. As a result of this, he reported that the enemy were in such great strength that he was unable to open communication with Hore, and he therefore fell back on Marico River. On the 6th August, Baden-Powell reconnoitred in the same direction from Rustenburg; but though firing was going on, its sound became more distant, and, concluding that Lieut.-Colonel Hore's force had been either captured by the enemy or relieved by Carrington, he returned to Rustenburg. The Rustenburg garrison was not rationed beyond the 9th August, while Ian Hamilton had only sufficient food and forage for the return march to Commando Nek. I was therefore obliged to recall Ian Hamilton and Baden-Powell, and as I was unable to reinforce Carrington from the Rustenburg direction, he fell back on Zeerust. In view of the enemy's numbers and activity, Carrington retired thence to Mafeking, taking with him the Zeerust and Ottoshoop garrisons. Leaving Rustenburg on the 7th August, the troops under Ian Hamilton and Baden-Powell reached Commando Nek on the 9th, accompanied by the Loyal North Lancashire Regiment, which Lord Methuen had left at Olifant's Nek.

27. I must now turn to the operations of the Natal force under Sir

Redvers Buller, who had occupied Laing's Nek on the 12th June, and had to halt there until the 18th, in order to bring up supplies and rest his transport animals. Marching on the latter date, he reached Zandspruit on the 20th, and Katbosch Spruit on the 22nd, Dundonald's Cavalry Brigade entering Standerton unopposed the same day. 18 locomotives and 150 railway carriages and trucks were secured at Standerton. The force concentrated there during the next few days consisted of the 2nd Infantry Division, three battalions of the 11th Brigade, four 5-inch and two 4·7-inch guns, two howitzer batteries, and Dundonald's Cavalry Brigade. On the 25th June, Sir Redvers Buller reported that the enemy, in considerable strength, were threatening the railway line, that the railway bridge at Standerton had been blown up, and would take 10 days to repair, and that he must collect supplies before advancing further. On the 30th June, Clery, with the 4th Brigade, left Standerton for Greylingstad, and, after meeting with some opposition, occupied that place on the 2nd July. On the 4th July, he reached Vlakfontein and met Hart at Zuikerbosch Spruit, relieving the detachment from the Heidelberg garrison which was guarding the railway at that point. This day the line from Natal was opened up to Greylingstad. On the 10th July, the Boers destroyed a railway bridge at Grootspruit, 6 miles east of Greylingstad, and broke up the line. Clery was, therefore, recalled from Vlakfontein, and Hart reoccupied Zuikerbosch Spruit. On the 12th, the South African Light Horse drove off a Boer commando moving upon Vlaklaagte Station, while Clery moved to Witpoort. Dundonald, scouting 5 miles north of Clery, captured the camp of the party which had injured the Grootspruit Bridge. Clery returned to Vaal Station for supplies on the 15th July, and thence marched to Leeuwspruit, 10 miles north of Standerton, with the intention of visiting Bethel. In view, however, of the possibility that C. De Wet, with the commando which had broken through Hunter's cordon, might endeavour to cross the Vaal opposite Heilbron, and thus effect a junction with Botha's forces, I directed the column to return to Greylingstad. Clery reached Greylingstad on the 24th July. The same and the following days Hildyard engaged the Lydenburg Commando near Amersfort, on which occasion the 13th and 69th Batteries, Royal Field Artillery, the 1st Bn. King's Royal Rifle Corps, and the 2nd Bn. Gordon Highlanders, distinguished themselves, especially the Volunteer Company of the latter battalion. The enemy retired northward, having suffered considerable loss. || On the 22nd July, the Boers made a determined attack on the post at Zuikerbosch Spruit, 13 miles east of Heidelberg. This post was held by two companies of the Royal Dublin Fusiliers, 110 men of the Royal Engineers, and 10 men of the Imperial Yeomanry, under Major English of the first-named regiment. Hart proceeded at once with reinforcements from Heidelberg, but before he arrived the enemy had been beaten off, great credit for the achievement being due to Major English and his small party. || On the 26th July, the railway to Heidelberg was open, communication between

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28. And here I will ask your Lordship to revert to the operations against De Wet, whose commando towards the end of July was occupying the hills in the neighbourhood of Reitzburg. The enemy's position was being watched by the 2nd and 3rd Cavalry Brigades and Ridley's Mounted Infantry, but it was too strong to be attacked by mounted troops alone. Hart, with one and a half battalions, arrived at Rhenoster on the 30th July, and proceeded to Kopje Alleen, 25 miles north of Kroonstad, where he was joined on the 3rd August by Major-General C. E. Knox from Kroonstad. Broadwood, who was holding the line from Wilgebosch Drift through Wonderheuvel and Leeuwspruit to Vredefort, had with him the 1st Bn. Derbyshire Regiment and Hart's Infantry force, and was subsequently strengthened by the 2nd Bn. Northumberland Fusiliers from Bloemfontein, and the Canadian Regiment from Springs. The Colonial Division was also transferred from Rundle's command on the 27th July, and, marching through Kroonstad, proceeded on the 5th August to Winkledrift on the Rhenoster with orders to watch the principal drifts down stream. Lord Kitchener left Pretoria on the 4th August in order to assume command of the troops surrounding De Wet south of the Vaal, and arrived the next day at Wonderheuvel. At this date, the military situation was as follows: — De Wet was hemmed in on the south by the Cavalry Brigades, the Colonial Division, Ridley's Mounted Infantry, and two Infantry columns under Hart and Knox. North of the Vaal Lord Methuen was in position near Potchefstroom to head De Wet back if he crossed the river, with Smith-Dorrien in support at Frederickstad. Methuen's force consisted of 750 Im-

perial Yeomanry, the 2nd Bn. Northamptonshire Regiment, and 1st Bn. Northumberland Fusiliers, with one Field battery, two howitzers, and two pom-poms. Smith-Dorrien had under his command 250 Mounted Infantry, the 2nd Bn. Shropshire Light Infantry, the 1st Bn. Gordon Highlanders, the City Imperial Volunteers, and one Field battery. I had hoped with so strong a force, distributed in the manner which I have indicated, De Wet would have found escape impossible. But the country round Reitzburg is extremely difficult, and the hills on both sides of the river furnish an effective screen to the movements of a mobile column. On the 7th August, it was reported that De Wet had succeeded in crossing the Vaal during the preceding night by De Wet's Drift, and that he was marching rapidly northward. On the 8th and 9th, Methuen engaged his rearguard, having been joined on the latter day by the Colonial Division, which had crossed by Scandinavia Drift. The 2nd and 3rd Cavalry Brigades were at Lindeque Drift on the 9th, with Ridley's Mounted Infantry on the north bank of the river, and Hart's column at Kromellenburg Spruit. Lord Kitchener's advanced troops co-operated with Lord Methuen's force in the attack on De Wet's rearguard, while Smith-Dorrien moved from Frederickstad to Welverdiend and Bank Stations, the Shropshire Light Infantry marching 43 miles in 32 hours, and the rest of his troops 30 miles in 17 hours. As soon as I had ascertained that De Wet had entered the Transvaal, I ordered Ian Hamilton to march with his column from Commando Nek to Heckpoort, leaving Baden-Powell at the former place with his mounted troops and the 1st Bn. Border Regiment. On the 10th August, Lord Methuen reached Taaibosch Spruit, Lord Kitchener's force occupied the Gatsrand Range, south of the Potchefstroom—Krugersdorp railway, and Smith-Dorrien headed back a portion of the Boer commando which attempted to cross the railway near Welverdiend Station. Hearing that the enemy had turned westward, Kitchener changed direction accordingly and moved towards Tafel Kop, the two Cavalry Brigades and Ridley's Mounted Infantry crossing the railway at Welverdiend on the 11th August. Hart followed the next day, while Knox remained south of the Vaal to watch the drifts in case of any of De Wet's men breaking back into the Orange River Colony. On the 12th, Methuen again engaged the Boer rearguard a few miles east of Ventersdorp, and captured a gun. Lord Kitchener, with his mounted troops and two Infantry battalions under Smith-Dorrien, was at Rietvlei, 10 miles east of Lord Methuen, followed by Hart's column from Welverdiend. On this date, one British Officer and 60 men, who had been taken prisoners by De Wet when he seized a train north of Kroonstad, escaped from the enemy's laager. On the 13th, Lord Kitchener was at Schoolplaats, 8 miles east of Ventersdorp, and Ian Hamilton had reached Blaaubank, 18 miles west of Krugersdorp. On the 15th, Ian Hamilton reached Vlakfontein, 15 miles south-west of Olifant's Nek; Lord Methuen, with 1200 mounted troops, was at Buffelshoek, 6 miles south of the Magato Pass, his Infantry and baggage following him in rear.

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Lord Kitchener was at Leeuwfontein, 10 miles north-east of Tafel Kop, and Broadwood at Tweefontein, 8 miles further west. During the preceding night, however, De Wet had moved unobserved to the north of Hamilton's column, and, crossing Olifant's Nek, he made for Rustenburg. || 29. On the 14th August, information had reached me that Lieut.-Colonel Hore was still defending the post at Elands River, where he had been attacked 10 days before. Difficulties with regard to supplies rendered it impossible to continue the pursuit of De Wet in a northerly direction, and I, therefore, desired Lord Kitchener to proceed to Elands River with the 2nd Cavalry Brigade, Ridley's Mounted Infantry, and Smith-Dorrien's Infantry, and after relieving Hore to return to Pretoria, viâ Boschhoek, Rustenburg, and Commando Nek. Lord Methuen's column, with the 3rd Cavalry Brigade, was ordered to Zeerust, and thence to Mafeking. Hart moved to Krugersdorp, and Ian Hamilton was instructed to cross Olifant's Nek and march back north of Magaliesberg to Commando Nek. On the 16th August, the Elands River garrison was relieved by Lord Kitchener, its casualties being five men killed, seven men died of wounds, and 36 men wounded. The gallant defence of this post was most creditable to Colonel Hore and the troops under his command. || 30. After visiting Rustenburg, De Wet moved eastward to the north of the Magaliesberg Range. On the 17th August, he reached Wolhuter's Kop, 15 miles west of Commando Nek, and thence sent a messenger to Baden-Powell summoning him to surrender. On the 18th, Ian Hamilton attacked from the south the detachment which De Wed had left at Olifant's Nek, and carried the position with very slight loss. Mahon's mounted troops then pushed on in pursuit towards Roode Kopjes, while a force under Paget, reinforced by Baden-Powell from Commando Nek, was ordered to march north from Waterval along the Pietersberg Railway. On the 19th, Mahon was engaged with the enemy's rearguard near Roode Kopjes, and the next day Ian Hamilton crossed the Crocodile River and pressed on in a north-easterly direction. Paget and Baden-Powell, who were advancing north of Hamman's Kraal, were opposed by Grobler's commando on the 19th and 20th, but on the latter date they occupied Pienaar's River Station, the enemy falling back to Warm Baths Station. Lord Kitchener, with Ridley's Mounted Infantry and Smith-Dorrien's Brigade, reached Wolhuter's Kop on the 20th August, and Commando Nek on the 22nd, Lord Kitchener himself returning to Pretoria that afternoon. Three days later Ridley marched into Pretoria, being followed on the 27th August by Smith-Dorrien. Broadwood's Cavalry Brigade went to Bank Station from Eland's River to obtain supplies, and thence proceeded to Pretoria, where it arrived on the 30th August. On the 22nd August, Baden-Powell occupied Warm Baths Station, near which he engaged the enemy, rescuing 100 British prisoners and capturing 25 Boers. He was followed by Ian Hamilton, who, passing through Zwaartbooi's Location, 10 miles west of the railway, between Hamman's Kraal and Pienaar's River Station, reached Warm Baths Station on the 24th. On the way he captured

13 Boers and a large number of cattle and sheep. Paget also reached Warm Baths during the night of the 24th. On this date, the enemy broke up into several small parties in the neighbourhood of Nylstroom, which was occupied by Baden-Powell by a flank march on the 26th August. As it appeared that De Wet, with a few of his followers, had left the commando which he had brought northward across the Vaal, and was returning to the Orange River Colony through the Potchefstroom district, and as the forces under Paget and Baden-Powell were strong enough to deal with the Boers opposed to them on the Pietersburg Railway, I directed Ian Hamilton and Mahon to march back to Pretoria, their troops being needed on the Delagoa Bay line of operations. I also withdrew that portion of Clement's Brigade which had been supporting Paget at Hamman's Kraal, as I intended this brigade, with Ridley's Mounted Infantry, to act as a flying column for the purpose of clearing the country between Commando Nek and Krugersdorp.

31. Seeing no advantage in a further advance towards Pietersburg, I desired Paget, on the 27th August, to withdraw Baden-Powell's troops to Warm Baths Station. Two days later Commandant Grobler sent in to Paget the remaining prisoners in his hands, 34 in all. On the 31st, Plumer left Pienaar's River Station with a small flying column to clear the country to the east, and the next day he engaged the enemy, capturing 29 prisoners, 31 wagons and 90 rifles. On the 1st September, he attacked the Boers near Rooikop, 25 miles east of Pienaar's River Station, securing seven prisoners, 100 rifles, 40000 rounds of ammunition, 350 cattle, and three wagons containing supplies. On the 2nd September, he again came into contact with a party of the enemy near Warm Baths Station, seizing a number of cattle and sheep and a large amount of supplies. On reaching Warm Baths Station, Plumer assumed command of Baden-Powell's troops, the latter Officer having proceeded on leave. On the 3rd September, during an attack which the Boers made on a kopje held by our troops near Warm Baths Station, Commandant Piet Cronje was killed and the enemy driven off with heavy loss. On the 7th September, Paget fell back with his whole force to Pienaar's River Station, and thence marched in the direction of Hebron, 16 miles north-west of Pretoria. He arrived there on the 14th, having captured on the way 10 prisoners and 2000 head of cattle. || 32. In paragraphs 7 to 10, I described Hunter's operations in the Orange River Colony up to the 6th August. On the 10th August, Hunter left Bethlehem for Kroonstad. He reached Lindley the following day, and was then directed to move on Heilbron, so as to guard against any attempt on the part of General Olivier, who was then in the vicinity of Frankfort, to effect a junction with De Wet's commando at Reitzburg. Sending into Kroonstadt his sick and the cattle and sheep which had been captured in Brandwater Basin, Hunter marched north and reached the Rhenoster River on the 13th. On crossing the river next morning, he found the enemy, 1800 with six guns, under Generals Frohnemann and Olivier,

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holding a strong position across the road at Witpoort, 12 miles south of Heilbron. After an engagement, which lasted from 11 a.m. until 5 p.m., the position was occupied by our troops, the enemy retiring to the north-east. Our casualities amounted to one Officer and three men killed, and one Officer and 40 men wounded. On the 15th August, Hunter entered Heilbron unopposed, and, on the 20th, Bruce Hamilton's Brigade arrived at Kroonstad.|| 33. As soon as the troops engaged in the pursuit of De Wet became available for operations elsewhere, I redistributed the field army with the object, first, of advancing along the Delagoa Bay Railway to Komati Poort, and, secondly, of forming flying columns to pursue and disperse the scattered Boer commandoes which were carrying on a guerilla warfare both in the Transvaal and the Orange River Colony. As regards the first objective, the military situation was as follows: — On 15th August, Sir Redvers Buller's force reached Twyfelaar. French was in command at Middelburg. On the 28th August, the Mounted Infantry were holding the line stretching from Wonderfontein to Doornkop, 12 miles north of Middelburg, and French's Cavalry was distributed between Wonderfontein and Twyfelaar. On that date French rejoined his two Cavalry brigades. On the 21st, Buller marched to Van Wyk's Vlei, 15 miles south-east of Belfast, and two days later the 11th Division, under Pole-Carew, was concentrated at Wonderfontein. Buller met with some opposition on the 23rd in the neighbourhood of Van Wyk's Vlei, and towards evening two companies of the 1st Bn. Liverpool Regiment entered by mistake a hollow, out of sight of the main body, where they came under a heavy fire, losing 10 men killed, and one Officer and 45 men wounded. The other casualties on this occasion were one man killed, and three Officers and four men wounded. On the 24th August. I left Pretoria for Wonderfontein, and on the 25th proceded to Belfast, which had been occupied the previous day by the 11th Division. Some opposition was encountered, our casualties amounting to one man killed, and one Officer and 14 men wounded. As soon as I arrived, it became apparent to me that we were already in touch with a part of the Boer main position. This position, as far as could be ascertained, extended from the neighbourhood of Swartz Kopjes on the north to Dalmanutha on the south, a distance of some 20 miles. It was furnished with a numerous artillery, including two 6-inch guns, and was entrenched at various points of importance. My first idea was to hold the enemy in front with the 11th Division, whilst Buller and French turned their left from the south. On consultation, however, with General Buller, it seemed that the ground was not favourable to a turning movement from this quarter, and I therefore decided to contain the enemy's front by the 18th Brigade and turn his right flank with the Guards Brigade, assisted by General French and Colonel Henry's Mounted Infantry. With this object French moved, on the 26th, from Geluk, 12 miles south of Belfast, and passing to the west of the town reached Lakenvlei, 6 miles to its north on the evening of this day. Pole-Carew, with the 11th

Division, endeavoured to advance along the Lydenburg road in his support, but came under so heavy a shell and rifle fire that he made but little progress. Buller, whose Artillery was engaged throughout the day, pushed back the Boers, who were holding a series of strong positions to the south-east of Belfast, to within 4 miles of the railway between that town and Dalmanutha. Our casualties on this date amounted to five men killed, and two Officers and 56 men wounded. On the 27th, French advanced 8 miles further north, and drove the enemy from Swartz Kopjes. From this position he threatened the enemy's line of retreat, although he could hardly yet be said to have turned their right flank. Meanwhile, however, General Buller was able to take more decisive action at the other extremity of the Boer line of defence. At Bergendal, 3 miles south-east of Belfast, the Boers had established a very strong position on a low rocky kopje, and in some farm buildings and plantations, which formed the key to that portion of the main position. The kopje was heavily entrenched, and was garrisoned by the Z.A.R. Police with a pompom. The ground, which sloped gently away in all directions, afforded no cover. Buller attacked this post early in the day, and after some hard fighting it was carried very gallently by the 2nd Bn. Rifle Brigade, supported by the 1st Bn. Royal Inniskilling Fusiliers. The brunt of the action fell to the former battalion, which lost heavily, our casualties being one Officer and 13 men killed, and seven Officers and 57 men wounded. 19 Boers were taken prisoners; 20 of their dead were found on the kopje, and their pompom was captured. The success of this attack was decisive. It was carried out in view of the main Boer position, and the effect of it was such that the enemy gave way at all points, flying in confusion to the north and east. Next morning Buller was able to occupy Machadodorp almost without opposition. On this day, the 28th, Dundonald's Cavalry pushed on to Helvetia, where they came into touch with the enemy's rearguard, French's Cavalry and the 11th Division moved due east to Elandsfontein, 8 miles west of Helvetia. On the 29th August, leaving garrisons at Dalmanutha and Machadodorp, Buller marched to Helvetia and occupied Waterval Boven with his advanced troops. Pole-Carew sent on three battalions to support French, remaining himself with the rest of the 11th Division near Helvetia. On the 30th, French, supported by the Guards Brigade, occupied Waterval Onder, while Buller reported from Weltevreden that Nooitgedacht hat been vacated by the Boers, and that the British prisoners confined there were to be seen moving along the road to Waterval Onder. By nightfall the prisoners, numbering 1 800, and including seven Officers, reached our camp at Waterval Onder, and were subsequently sent by rail to Pretoria. The remainder of the Officers had been removed to Barberton. The prisoners stated that President Kruger, ex-President Steyn, and Commandant-General Botha had left for Nelspruit on the 29th August. On the 31st August, Buller fell back to Helvetia, preparatory to marching on Lydenburg, Pole-Carew, with the 11th Division holding Waterval Onder, and

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Henry's corps of Mounted Infantry occupying Waterval Boven. French returned with the 1st and 4th Cavalry Brigades to Machadodorp, whence I directed him to move, viâ Carolina, on Barberton, there being no practicable road to the latter place, from the railway east of Machadodorp. || In the meantime reinforcements had been moving up from the west. A brigade, under Smith-Dorrien, had been railed to Belfast between the 26th and 29th August. Mahon marched from Pretoria on the 30th August. He was followed the next day by Cunninghams's Brigade.

34. On the 1st September, I issued a proclamation annexing the Transvaal under the orders of Her Majesty's Government. On this day, Buller moved from Helvetia to Elandspruit on the Crocodile River. Next morning his advance was opposed by the enemy, who were holding a strong position at Badfontein, and had with them three 6-inch guns. Buller described the position as resembling Laing's Nek, and I agreed with him that it would be wiser to defer his attack until I could send him assistance. Accordingly, on the 3rd September, I despatched Ian Hamilton from Belfast to turn the right flank of Boer force in front of Buller. Ian Hamilton reached Swartkopjes, on the Dullstroom road, meeting with but slight opposition. On the 4th, he entered Dullstroom — the enemy, with two guns, fighting a rearguard action, and disputing every yard of the way — and on the same day continued his march to Palmietfontein. During his march he was joined by Brocklehurst's Cavalry Brigade from Buller's column. On the same day, French occupied the bridge over the Komati River between Machadodorp and Carolina, while Mahon's mounted troops reached Wonderfontein, and Cunningham's Brigade reached Balmoral. At Wonderfontein, the 76th Battery, Royal Field Artillery, and the 1st Bn. Suffolk Regiment were placed under Mahon's orders, and he was directed to join French at Carolina on 6th September. On the 5th September, Ian Hamilton advanced about 12 miles to Wemershoek, whence by a night march, he occupied Zwagershoek with the Royal Scots, thus securing the debouchment through the defile into the Lydenburg Valley, and threatening the right rear of the Boer position at Badfontein. The same day Buller demonstrated strongly against the enemy's left flank, the 1st Bn. Leicestershire Regiment and the 1st Bn. King's Royal Rifle Corps dragging the guns of a Field battery up a steep hill, whence a heavy fire was brought to bear on the Boers. || 35. On the 6th, owing to the right flank of their position having been turned, and to the pressure on their left flank, the Boers evacuated their stronghold at Badfontein, and fell back through Lydenburg, some going to Kruger's Post, but the majority with two 6-inch guns, taking up another formidable position at Paardeplaats on the mountains overlooking the town and 7 miles to the east of it. On the same day, Dundonald's mounted brigade and the Cavalry attached to Ian Hamilton's force occupied Lydenburg, Buller's and Hamilton's Infantry halting 5 miles in rear. French reached Carolina on this date, and he was joined there by Mahon's column,

and the 2nd Bn. Shropshire Light Infantry. Cunningham's Brigade arrived at Pan Station, and Hutton began to concentrate Alderson's Corps of Mounted Infantry from the line of communication preparatory to marching from Machadodorp along the heights south of the railway towards Tafelkop. On the 8th September, Buller attacked the enemy at Paardeplaats, whence, with their 6-inch guns, they were firing into the camp and town of Lydenburg. The Boers held a precipitous ridge 1 800 feet above the valley, horse shoe in shape and only easily approachable by paths which were completely commanded from the crest. One great feature of the attack was the skill with which the guns were pushed forward from point to point until they reached positions from which they silenced the enemy's artillery, and greatly subdued the rifle fire. Another was the dash with which the Infantry pressed forward over rocks and across ravines, and other apparently impracticable ground until they carried the ridge. A third was the cimultaneous arrival of the right, left, and centre of the attack, namely, the Royal Scots, the Royal Irish, and the 1st Bn. Devonshire Regiment in the enemy's position. The Boers lost considerably, but their retreat was concealed by heavy mist. Our casualties amounted to 13 killed and 25 wounded, three of the former and 16 of the latter belonging to the Volunteer Company of the Gordon Highlanders, which came under shrapnel fire at a distance of nearly 7 miles from the enemy's guns. In this action Buller reported that Ian Hamilton rendered valuable assistance, and praised the excellent leading of Major-General Smith-Dorrien and Brigadier-General F. W. Kitchener. The next day Buller occupied Mauchberg, the enemy being dislodged by the 1st Bn. King's Royal Rifle Corps, supported by Artillery fire. || 36. On the 10th September, French crossed the Komati River at Hlomohlom unopposed, and made for the high ground near Deerdekop, which he reached alter some fighting the next day. Hutton was on the hills south of the railway, protecting the right of the 11th Division at Nooitgedacht. Buller occupied the junction of the roads from the east and south near Spitzkop on the 11th September, the enemy retiring, some to Nelspruit and some to the north across the Sabie River. 300 000 lbs. of Boer supplies, mainly rice, sugar, flour, and coffee, and 300 boxes of small-arm ammunition were captured by Buller at Spitzkop. Ian Hamilton's column, after leaving Buller, returned to Helvetia on the 12th, and moved the next day to Waterval Onder, where it replaced the 11th Division, which advanced unopposed to Godwaan. The enemy hat been holding a strong position commanding Godwaan for some days, but they fell back to Nelspruit as soon as they found their line of retreat threatened by Hutton's occupation of Kaapsche Hoop. On the 12th September, the news reached me that, after resigning the Presidency to Mr. Schalk Burger, Mr. Kruger had left the Transvaal and arrived at Lourenço Marques the previous evening, and that Commandant-General L. Botha had been obliged on account of illness to hand over his command to General Viljoen. On the

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13th September, French entered Barberton with his Cavalry, which he took across the mountains, thus completely surprising the enemy. 82 British prisoners, including 23 Officers, who had been removed to Barberton from Nooitgedacht, were released, and 43 locomotives, with a considerable amount of rolling stock, were found in the railway station. Over 100 Boers were made prisoners. In the town French secured three weeks' food and one week's forage for his column, and he seized many Mauser rifles and a quantity of ammunition, 50 wagons, and a large number of sheep and cattle. General Schoemann was found in the Barberton Jail, having been imprisoned by the Boers on account of his refusal so break his parole. Owing to the difficulty of getting his transport through the pass leading into the valley, the remainder of French's force did not reach Barberton until the 14th September. || 37. On this day, the 11th Division marched to Kaapsche Hoop, and Ian Hamilton's column to Nooitgedacht. On the 15th September, Pole-Carew, with the Guards Brigade and Colonel Henry's Corps of Mounted Infantry, moved towards Kaapmuiden, and the 18th Brigade, under Colonel Stephenson, towards Nelspruit. Ian Hamilton's column reached Godwaan Station, to which place Hutton's Mounted Infantry had returned for supplies. Nelspruit was occupied by Stephenson's Brigade on the 17th, while French's advance Cavalry captured 50 locomotives at Avoca Station, Ian Hamilton's column being one march in the rear. On the 19th, Henry's Mounted Infantry and the Guards Brigade entered Kaapmuiden, where 19 locomotives were found in the railway station, all of them in a damaged condition. 114 trucks containing supplies were also captured. The bridges at this point and at Poort City Station had been blown up by the enemy, but steps were at once taken to repair them. Ian Hamilton's column followed in support of Pole-Carew's force.

38. The Boers, who retreated to Komati Poort as we advanced from Machadodorp, were about 3 000 strong, and, out of this number, it was ascertained that 700 had crossed the Portuguese frontier; others dispersed in various directions, and the balance were reported to be occupying spurs of the Lebombo Mountain, south of the railway between Portuguese territory and the bridge over the Komati River. On the 21st September, I returned from Nelspruit to Pretoria. The same day 80 burghers surrendered to Sir Redvers Buller at Spitzkop, while a detachment of the Imperial Light Horse proceeding from French Bob to Kaapmuiden captured 20 prisoners and 200 rifles, with a quantity of the enemy's ammunition. On the 26th September, Buller occupied the Mac-Mac River and eastern side of Burgher's Pass. The latter is a very awkward defile, but the opposition was slight. On the 27th September, he entered Pilgrim's Rest, without any casualties. On the 28th, by a well-executed night march, a force under Colonel Byng obliged the enemy to retire hurriedly from Pilgrim's Hill. The 29th was spent in getting the transport up this exceedingly difficult ascent, which, for a distance of 2½ miles, has an average gradient of 10 degrees. The troops worked

admirably, and dragged up the guns and wagons by hand. On the 30th, Kruger's Post was reached, and touch regained with the Lydenburg garrison. The Boers who had been holding Kruger's Post withdrew to the Waterval Valley, and so evaded our troops. On the 2nd October, Buller returned to Lydenburg. The results of this march were that the enemy were divided into three columns, the largest of which went north to the Limpopo. The intention of concentrating at Spitzkop was also frustrated. During the march 109 burghers surrendered or were taken prisoners, 600 head of cattle, 4 000 sheep, and 150 wagon-loads of supplies were captured, and large quantities of ammunition fell into our hands. || On the 24th September, Pole-Carew, with the Guards Brigade and Henry's Mounted Infantry, entered Komati Poort, where he found the railway bridge uninjured. Nearly 1 500 trucks, as well as 30 locomotives, including two cog-wheel engines, were recovered on the main line and Selati branch line, while a considerable amount of rolling-stock and of food supplies had been burnt. South of the railway bridge the Boers had left several truck-loads of gun and rifle ammunition, as well as a 6-inch Creusot gun, which had, however, been destroyed. On this date, Ian Hamilton's column reached Hectorspruit. In the Crocodile River were discovered a number of Field guns, which had been destroyed with dynamite, among them two 12-prs. belonging to „Q" Battery, Royal Horse Artillery. On the 26th, Ian Hamilton joined Pole-Carew at Komati Poort, between which place and Pretoria railway communication was this day restored. The line to Lourenço Marques was also open, supplies of food being sent up therefrom. On the 28th September, the Guards Brigade began to return by rail to Pretoria, where the whole brigade was concentrated on the 4th October. It was followed by two 5-inch guns, two naval 12-prs., the 85th Battery, Royal Field Artillery; Colonel Henry's Corps of Mounted Infantry, and the West Australian Mounted Infantry.

39. I have already mentioned that, concurrently with the advance along the Delagoa Bai railway, I organized flying columns for the purpose of pursuing and dispersing the enemy's commandoes which were carrying on a desultory warfare north and south of the Vaal. In addition to the force operating north of Pretoria, under Paget, whose march to Warm Baths Station and thence to Hebron, has been described in paragraphs 30 and 31, a column under Clements was formed at Commando Nek. The duty assigned to this column was to bring under control the Rustenburg and Heckpoort districts, and to clear the country of marauders between Krugersdorp and Johannesburg. Another column under Hart was concentrated at Krugersdorp. The area allotted to this force stretched from the Vala to Krugersdorp, including Klerksdorp, Potchefstroom, and Ventersdorp. A third column under Lord Methuen had its head-quarters at Mafeking. Its sphere of action was the Lichtenburg district as far east as Tafel Kop and Rustenburg, and thence up to the left bank of Crocodile River below its junction with Elands River. || In

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the north-east angle of the Orange River Colony, Rundle in command of the 8th Division, formed two columns, one under Boyes based on Vrede, and the other under Campbell based on Harrismith. In the centre of the Colony and east of the railway, Hunter had under his orders Macdonald's column based on Heilbron, and Bruce Hamilton's column based on Kroonstad. A third column under Major General C. E. Knox was also based on Kroonstad for operations between that town and the Vaal. || 40. As regards the operations of the columns in the Transvaal, there is not much that calls for special mention. Clements moved west from Commando Nek into the Hekpoort district and encountered the enemy under Delarey on the 9th September at Hartebeestfontein, his Mounted Infantry clearing the Witwatersberg Range. The next day, he again engaged the Boer commando, which suffered considerable loss, our own casualties being two men killed and 14 wounded. On the 12th September, Delarey fell back on Rustenburg through Olifant's Nek. || On the 29th August, Lieut.-Colonel Bradley, Commanding the 2nd Bn. North Staffordshire Regiment, attacked and dispersed a body of the enemy at Modderfontein, 25 miles south of Krugersdorp, and two days later Hart drove off a Boer detachment which was attempting to destroy the main of the Johannesburg waterworks, 10 miles south-west of the town. From the 4th September to the 7th September, he pursued small parties of the enemy to the south-west of Krugersdorp, Commandant Theron being among the killed in one of the skirmishes which took place. On the 11th September, Hart occupied Potchefstroom by a forced march, his mounted troops having covered 45 miles, and his Infantry 35 miles, without halting for more than a few hours. The Boers were completely taken by surprise and suffered heavy loss, our only casualty being one Officer killed. On the 30th September, after an absence of 33 days, General Hart returned to Krugersdorp. During that time he had marched 310 miles, and had been almost constantly in touch with the enemy. The Boers suffered considerably in the succession of skirmishes. 96 prisoners were taken, and his column captured 2720 head of cattle, 3281 sheep, 129 horses, ponies, and mules; 67 wagons and carts, and large quantities of supplies. Our casualties were not heavy, namely, three killed, 24 wounded, and three missing. || 41. To the west of the Transvaal, Carrington engaged the Lichtenburg Commando near Ottoshoop on the 20th and 21st August. Lord Methuen reached Zeerust on the 22nd and Ottoshoop on the 25th. Thence he marched with his own and Carrington's columns to Mafeking, arriving there on the 28th. On the latter date, as Carrington's services were required in Rhodesia, I directed him to proceed with his staff to Salisbury, and placed Major-General C. W. H. Douglas in command of Mafeking and the adjacent district. Lord Methuen's flying column was in readiness to move on the 7th September. He proposed first to clear the country round Jacobsdal and Zeerust, and afterwards to march south towards Schweizer-Reneke, on Hart's River, the garrison at that place being threatened by a local rising of the

inhabitants of the Bloemhof district. A second small column was placed at Douglas's disposal for operations in the Lichtenburg district, and a garrison was detailed for Mafeking consisting of 400 mounted troops and 800 Infantry with four Field guns. On the 9th September, Lord Methuen moved on a laager under Commandant Vermaas at Melopo Oog, 10 miles south-east of Ottoshoop, and completely dispersed the Boers, taking 30 of them prisoners and seizing 22 wagons and 40000 rounds of rifle ammunition. On the 11th September, Douglas was attacked on the road from Ottoshoop to Lichtenburg, but drove off the enemy, capturing a large quantity of grain and other stores. He was again engaged the following day, when 39 prisoners, 10 wagons, and a considerable number of sheep and oxen fell into his hands. || On the morning of the 19th, Lord Methuen, while marching from Jachskraal towards Schweizer-Reneke, heard of a Boer convoy moving in his vicinity. He pursued and dispersed it, capturing a 15-pr. gun which had been lost at Colenso by the 14th Battery, Royal Field Artillery, 28 prisoners, 26 wagons, 8000 cattle, 4000 sheep, some rifles, and 20000 rounds of ammunition· Next day he continued his march and reached Rietpan, 45 miles north-east of Vryburg Railway Station, where 634 cattle and 3000 sheep fell into his hands. On the 28th September, Methuen was twice engaged with Lemmer's force, consisting of 500 men, one gun and one pompom. The Boers had seven killed and 14 of them taken prisoners. Our casualties were two killed and three wounded. On the 22nd, Brigadier-General Settle, with a column from Vryburg, entered Schweizer-Reneke unopposed, and Lord Methuen began to move north with a view to clearing the Rustenburg district from the west. On the 23rd September, General Broadwood, with the 2nd Cavalry Brigade, and a battalion composed of Infantry details from Johannesburg, under Lieut.-Colonel C. E. Bradley, North Staffordshire Regiment, left Pretoria for Commando Nek, to be followed later on by the 75th Battery, Royal Field Artillery, a section of Elswick Battery, the 2nd Bn. West Yorkshire Regiment, and the 1st Bn. Argyll and Sutherland Highlanders, under Brigadier-General Cunningham, these troops having been withdrawn from the Delagoa Bay line. The above force, in conjunction with Clements's column, was intended to operate in the Rustenburg district from the east. Broadwood also arrived at Rustenburg on the 26th, having on the way met with slight opposition from a Boer force consisting of 300 men, one pompom, and two Maxims under Steenkamp. He had no casualties, and captured two wagons. Cunningham reached Elandskraal, half-way between Commando Nek and Rustenburg on the 28th. Between this date and the 4th October, Broadwood, Clements, and Ridley were engaged in clearing the country in the neighbourhood of Rustenburg, while Cunningham occupied the town. They captured 29 wagons, some rifles, and 10000 rounds of small-arm ammunition No casualties.

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42. The force under Paget, as mentioned in paragraphs 30 and 31, arrived at Hebron on the 14th September. Thence it moved east to Waterval in

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order to disperse a commando under Erasmus, which was advancing towards Pretoria from Nylstroom direction. On the 23rd September a party of Boers from this commando attacked Elands River Station on the Delagoa Bay Railway and did some slight damage, but was driven off by the garrison. Meanwhile Erasmus's camp was surprised by Paget, who during the preceding night had made a forced march with the 1st Bn. West Riding Regiment, two companies of the 2nd Bn. Wiltshire Regiment, two companies of the 1st Bn. Royal Munster Fusiliers, the City Imperial Volunteer Battery, and two 5-inch guns. The camp was captured, together with 12 prisoners, 2 500 cattle, 6 000 sheep, 50 horses, and some rifles and ammunition. The commando was simultaneously engaged by Plumer's Bushmen, who took 11 prisoners, 750 cattle, and 1 600 sheep. Four days later the portion of Paget's force at Pienaar's River Station, under the command of Colonel L. Chapman, was attacked on two sides, the enemy being able to come up close, under cover of the thick bush. They were beaten off after three hours' fighting, and were followed up by the Bushmen. Our casualties were one Bushman killed and one wounded, also three Munster Fusiliers taken prisoners. || 43. South of the Val the enemy showed activity in several directions, but their attemps failed, owing to the promptitude with which troops were concentrated at the points of attack. On the 22nd August Rundle reported that the Imperial Yeomanry patrols which he had sent to Brandwater Basin had brought in 17 rifles, 140 000 rounds of Mauser ammunition, 12 shells, and 200 lbs. of dynamite; while nearly 700 Boers had surrendered in the Harrismith and Vrede districts. On the 24th August it was reported from Winburg that Lieut.-Colonel H. M. Ridley, Imperial Yeomanry, while reconnoitring 9 miles north-east of that place with 250 mounted troops and a few infantry, had been surrounded by a Boer commando, 1 000 strong with two guns. I therefore directed Hunter to despatch by rail 200 Mounted Infantry, one and a half battalions of Infantry, and eight Field guns, under Bruce Hamilton, to Winburg, and a half battalion with 4 guns to Vensterburg Road Station, to co-operate thence with a small column under Lieut.-Colonel W. L. White, R.A., which Lieut.-General Kelly-Kenny had sent to Ventersburg. Ridley's party was relieved and the enemy driven off on the 25th August, the casualties on our side amounting to one man killed, one Officer wounded, and five men missing. On the 27th a Boer force 1 400 strong, under Olivier, attacked Winberg. It was repulsed by Bruce Hamilton, 29 prisoners being taken, including Olivier and his three sons, who were captured by a small detachment of the Queenstown Rifle Volunteers. The enemy then moved south-east with a view to attacking Ladybrand and Thabanchu. Kelly-Kenny accordingly railed Lieut.-Colonel White's column from Ventersburg Road Station to Bloemfontein on the 28th August, and sent it thence to the Waterworks on the Modder River. Bruce Hamilton's Brigade, with Le Gallais' Mounted Infantry, was also railed during the three following days to Bloemfontein from Kroon-

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stad and Winburg, while MacDonald's column proceeded from Heilbron to Winburg. The Ladybrand garrison, consisting of 43 men of the Wiltshire Imperial Yeomanry, and one company of the 1st Bn. Worcestershire Regiment, under the command of Major F. White, R.M.L.I., District Commissioner, was surrounded on the 2nd September by a Boer force 3 000 strong, with nine field guns and two machine guns. Lieut.-Colonel White, R.A., occupied Thabanchu on the 1st September, and the next day he was joined by Bruce Hamilton with a column of 2 000 men, supported by Le Gallais with his mounted troops and the 2nd Bn. Royal Irish Rifles from the Bloemfontein garrison. Ladybrand was relieved by Bruce Hamilton on the morning of the 5th; and although the Boers had brought a heavy artillery fire to bear on the entrenchments, our casualties were only one Officer and four men wounded. The enemy had withdrawn north-westward the previous night in the Allandale direction. Bruce Hamilton's Infantry marched 80 miles in $4^1/_2$ days to effect this relief. Meanwhile, Rundle, with Boyes' column was marching towards Bethlehem, which he reached on the 11th September, and Campbell's column passed trough Ficksburg on its way to Trommel on the 7th September. On the latter date Bruce Hamilton was ordered to move to the Leeuw River Mills, taking with him the Ladybrand garrison, and Macdonald's column arrived at Winburg. The object of these movements was to defeat and disperse the Commandoes which had retired to the hills near Korannaberg and Doornberg. On the 12th September a party of Boers belonging to the Commando which had attacked Ladybrand appeared near Brandfort, with the intention of damaging the railway. Kelly-Kenny reinforced the posts between Bloemfontein and Smaldeel, and communicated with MacDonald, who the next morning crossed to the south of the Vet River on the road from Winburg to Bloemfontein, and engaged the enemy 8 miles west of Tafel Kop, driving them across the river and pursuing them to the north of the Winburg—Smaldeel railway. The Boers retired in great confusion, seven prisoners, 31 wagons, 270 trek oxen, and a large quantity of supplies, ammunition and dynamite falling into our hands. Lovat's Scouts especially distinguished themselves during the pursuit. || On the 18th September, Rundle attacked a party of Boers near Bronkhorstspruit, 20 miles west of Senekal, capturing one gun and 30 wagons, while C. Knox successfully engaged the enemy at Klompie Doorns between Senekal and Kroonstad.

44. It may be here mentioned that, in view of De Wet's return from the Transvaal to the district between Heilbron and Reitzburg, and the possibility of his collecting a fresh commando in that direction, I thought it desirable to concentrate a strong mounted force at Kroonstad and on the Rhenoster River. The Colonial Division, which had been attached to Lord Methuen's column during the pursuit of De Wet, was accordingly ordered to march from Zeerust to Elandsfontein, viâ Krugersdorp. It left Zeerust on the 25th August, being joined by the 3rd Cavalry Brigade under Colonel Little.

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The same day Colonel Little was wounded near Jacobsdal, and the command of the combined force devolved an Colonel Dalgety. Between Zeerust and Krugersdorp considerable opposition was met with, the casualties in the Colonial Division being 10 men killed and five Officers and 20 men wounded; and in the 3rd Cavalry Brigade one man killed, and one Officer and six men wounded. On reaching Elandsfontein, the Colonial Division proceeded on the 14th September to Rhenoster, a portion of it through Heidelderg, and the remainder along the railway. The 3rd Cavalry Brigade, under Colonel Porter, who by this time had replaced Colonel Little, was railed to Kroonstad; while De Lisle's Corps of Mounted Infantry was withdrawn from Clements's column and moved by rail on the 17th September to Rhenoster, where it was joined by 250 men of Kitchener's Horse from Kroonstad. || 45. The Boers broke up in small parties from the hills near Doornberg without giving our troops any further chance of attacking them, and as it seemed likely that the would reassemble in the Heilbron and Frankfort districts, Hunter made a fresh disposition of the four columns under his command. On the 22nd September he ordered the force under MacDonald to march to Kaalfontein, on the Valsch River. Bruce Hamilton and Boyes were to converge on Lindley from Senekal and Bethlehem; and Campbell, who had returned to the latter place, was directed to proceed to the vicinity of Reitz. These movements were completed by the 25th September. || 46. On the 29th September, the quietude of the Orange River Colony was disturbed by a small party of Boers, probably numbering less than 200, and without guns, who moved upon Wepener. About 30 or 40 of the enemy entered the town at 6 a.m. upon that date, and caused a considerable amount of panic amongst the inhabitants. Major Wright, the District Commissioner, was also forced to withdraw together with his police into Basutoland. The Boers are reported to have treated the residents with civility, but they helped themselves liberally to money from the bank, and also commandeered clothing and supplies to a considerable extent. The occurrence was unfortunate, but it has not hitherto been found possible to garrison every place which it might be advantageous to occupy with troops. As soon as I heard of this raid I issued orders for Ladybrand, Wepener, and Dewetsdorp to be occupied by detachments from the Highland Brigade, which had been sent down by rail from Kroonstad to Bloemfontein. || 47. On the 30th September, Hildyard held Wakkerstroom and Utrecht, 150 of the commando from the latter place having surrendered.

I am, my Lord,
Your most obedient humble Servant,
Roberts, Field-Marshal.

Nr. 12288. GROSSBRITANNIEN. — Lord Roberts an das Kriegsministerium. Stärkeverhältnisse.

Johannesburg, 15. November 1900.

Nr. 12288. Grofsbritannien. 15. Nov. 1900

Eine Anlage zu diesem Bericht enthält folgende Zahlen-Angaben:

1) Truppen, die Bloemfontein nahmen (13. März): 947 Offiziere, 26 679 Mann, 7609 Pferde, 152 Geschütze;
2) Truppen, die Pretoria nahmen (5. Juni): 1075 Offiziere, 23 675 Mann, 6155 Pferde, 191 Geschütze;
3) Truppen, die auf dem Vormarsch gegen Komati Poort teilnahmen (Ende August): 691 Offiziere, 21 150 Mann, 4470 Pferde, 129 Geschütze;
4) Andere Streitkräfte zur Zeit der Besetzung Pretorias (in Lichtenberg, Mafeking, Paardekraal, Heilbron, Senekal, Hamonia, Ficksburg): 965 Offiziere, 28 171 Mann, 6409 Pferde, 150 Geschütze;
5) Verbindungs- und Garnisontruppen um dieselbe Zeit, 759 Offiziere, 24 394 Mann, 3719 Pferde, 100 Geschütze.

In allen Angaben sind die Artilleristen Pioniere, die Seebrigade und das Verwaltungspersonal nicht mitgezählt.

Die Unruhen in China 1900.*)

Nr. 12289. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Ermordung eines englischen Missionars.

Peking, January 4, 1900. (January 4.) **)

Nr. 12289. Grofsbritannien. 4. Jan. 1900.

(Telegraphic.) || It is with great regret that I report to your Lordship the murder by a band of anti-Christian rebels of the English missionary Brooks near the town of Fei Ch'êng, in Shantung Province, where he was travelling. The other members of the mission are safe. || The part of China where the murder took place is very disturbed, and I and my French, American, and German colleagues have been making strong representations.

Nr. 12290. CHINA. — Der Gesandte in London an den englischen Minister des Auswärtigen. Derselbe Gegenstand. Verspricht Bestrafung der Mörder.

Chinese Legation, January 10, 1900. (January 11.)

Nr. 12290. China. 10. Jan. 1900.

My Lord Marquis, || I have the honour to inform your Lordship that I have received a telegram from the Tsung-li Yamên, instructing me to acquaint you of the death of a British subject in the Province of Shantung under circumstances that have excited the horror and the indignation of the Imperial Government. || On the Ist of the present month the Tsung-li Yamên received a telegram from Yüen Shih-kai, the Governor of Shantung, acquainting them that an English missionary of the name of Brooks had, whilst travelling in the district of Feichên, in that province, been grievously maltreated by brigands, and afterwards had been carried off by them. On learning this, the Yamên immediately telegraphed to the Governor, instructing him to lose no time in following up the brigands and rescuing Mr. Brooks; but by a subsequent telegram which they received from Governor Yüen, they learned with dismay that the robbers had put the unfortunate missionary to death. || Incensed at this deplorable event, their Imperial Majesties the Emperor and the Empress-Dowager have commanded that all the officials within whose jurisdiction the outrage was committed be disgraced by being deprived of their

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*) Englische Blaubücher Col. 257, 436. Vgl. Bd. 64. Nr. 12222 ff.

**) Die eingeklammerten Daten geben das Datum der Ankunft in London an. Red.

rank and honours until such time as they shall have succeeded in arresting the guilty parties, and a prescribed period has been allowed them within which to effect their capture. || In making the above communication, I am to present to your Lordship, on behalf of the Imperial Government, the expression of their profound regret at the lamentable occurrence, also the assurance that no efforts will be spared by them to bring the parties concerned in the committal of the outrage to condign punishment.

Nr. 12290. China. 10. Jan. 1900.

I have, &c.

(Signed) Lofêngluh.

Nr. 12291. **GROSSBRITANNIEN.** — Der Gesandte in Peking an den Minister des Auswärtigen. Unruhen der „Boxer" in Schantung und Tschili. Verhandlungen mit dem Tsung-li Yamen über Unterdrückung der geheimen Gesellschaften.

Peking, January 5, 1900. (February 19.)

Nr. 12291. Grofsbritannien. 5. Jan. 1900.

My Lord, || For several months past the northern part of the Province of Shantung has been disturbed by bands of rebels connected with various Secret Societies, who have been defying the authorities and pillaging the people. An organization known as the „Boxers" has attained special notoriety, and their ravages recently spread over a large portion of Southern Chihli, where the native Christians appear to have suffered even more than the rest of the inhabitants from the lawlessness of these marauders. The danger to which, in both provinces, foreign missionary establishments have been thus exposed, has been the subject of repeated representations to the Chinese Government by others of the foreign Representatives — especially the German and United States' Ministers — and myself. || Early last month the Governor of Shantung, Yu Hsien, was ordered to vacate his post and come to Peking for audience, and the General Yüan Shih-K'ai was appointed Acting Governor in his place. || In Southern Chihli the task of dealing with the disturbances was entrusted to the Viceroy at Tien-tsin. Her Majesty's Consul at Tien-tsin has had repeatedly to complain to the latter of the inadequacy of the protection afforded to British life and property in the districts affected by the rebellion; and in consequence of these representations and of my own communications to the Tsung-li Yamên, guards of soldiers have been stationed for the special protection of the missionary premises which were endangered. On the 29th ultimo I took occasion to warn the Yamên by letter that if the disorder were not vigourously quelled, international complications were likely to ensue. || Being well aware, therefore, of the condition of things in Northern Shantung, it was with much anxiety that I received, on the 2nd instant, through Bishop Scott, of the Church of England Mission here, a telegram from the Mission at P'ing-yin, in Northern Shantung, announcing that on the

Nr. 12291. Grofsbritannien. 5. Jan. 1900.

30th December Mr. Brooks, of the Mission, had been attacked, wounded, and captured by thirty „Boxers" in the Fei Ch'êng district. || I at once sent Mr. Ker, the Assistant Chinese Secretary, to communicate the contents of this telegram to the Yamên, and to ask that urgent telegraphic instructions should be dispatched to the Governor of Shantung to take measures to deal with the rebels and especially to secure the release of the missionary. || The Yamên Secretaries said that information of this occurrence had reached the Yamên, and that a telegram had been sent to Shantung to inquire particulars. They promised that my message would be reported to the Ministers and a further telegram dispatched. They said that the new Governor Yüan had already reached the capital and taken over the seals of office. || On the following day I visited the Yamên. On inquiring what was being done, I was informed that the Governor had promptly taken steps with a view to effecting the release of Mr. Brooks. The Yamên had, however, to their great regret, received a telegram that morning from the Governor to report that the Deputy sent in haste to the scene of the outrage, had arrived only to find that Mr. Brooks had been put to death on the 31st December, the day after he was captured. A despatch was being prepared, informing me of this lamentable intelligence, and expressing the deep regret of the Chinese Government. || I have the honour to transmit herewith to your Lordship a copy of this despatch. In addition to the particulars related therein, I have since learned that the unfortunate man was beheaded by the rebels and his body flung into a ditch. || In acknowledging to the Ministers of the Yamên at my interview the expressions of regret which they offered, I laid stress on the importance of proving the sincerity of this regret by strenuous action in dealing with this case, and in guarding against the possibility of similar occurrences elsewhere. || Yesterday, when the Ministers of the Tsung-li Yamên and other high officials paid their annual formal New Year's call at the Legation, the Grand Secretary Wang Wen Shao informed me that he was specially authorized by the Emperor and Empress Dowager to express to me the deep concern which was felt by the Throne on hearing of this outrage. An Imperial Decree was, he said, being issued enjoining the immediate capture of the murderers, and the punishment of the officials who had neglected their duty. || The Decree to which the Grand Secretary referred was published in the Gazette this morning, and I have the honour to inclose a translation of it herewith. || I had the honour to telegraph to your Lordship yesterday the news of Mr. Brooks' murder, and the substance of the message which I received from the Throne on the subject. || As regards the future situation in Northern Shantung, the most hopeful feature is, I think, the choice of Yüan Shih K'ai as Governor. This official filled for many years the post of Chinese Resident in Corea, and has lately been in command of some 8000 foreign-drilled troops near Tien-tsin. He has already announced the necessity of having the whole of this force sent after him to his province, and the decision of character and readiness to

use force when necessary which has marked his action at various critical situations in his career, make it possible to expect that he will succeed in making short work of the rebels in the province which he administers. || In a note which I addressed to the Yamên this morning I took occasion to remind the Ministers that there were other British missionaries living in the district where Mr. Brooks was killed, and to impress upon their Excellencies the necessity of securing efficient protection to these. I do not, however, entertain serious apprehensions as to their safety, because guards of soldiers have been for some time past stationed to protect the various missionary residences. The unfortunate man who was murdered was seized when he was travelling by wheel-barrow, without escort, through the country infested by the rebels. Claude M. MacDonald.

Anlagen.

Das Tsung-li Yamen an Sir C. MacDonald.

Peking, January 3, 1900.

(Translation.) || Sir, || We have the honour to inform your Excellency that on the 2nd instant we received a telegram from the Governor of Shantung as follows:— || „I have just received a petition from the Magistrate of P'ing-yin stating that on the 30th December the English missionary Brooks was travelling in the Fei Ch'eng district. At a place called Chang Chia Chuang he was attacked and wounded on the head by a band of red turbaned „Boxer" rebels, who were all armed with swords, &c. The rebels carried him off and are keeping him in hiding in some place in Fei Cheng district. I, the Governor, immediately selected a trustworthy official, and dispatched him to travel night and day with cavalry to rescue the missionary." || The Yamên at once submitted this telegram to the Throne, and an Imperial Decree was issued commanding that the Governor be ordered by telegraph to immediately devise means for the rescue of the missionary. No mistake or delay could be permitted. || This telegram was sent to the Governor. || We have now received his reply as follows:— || „On receipt of the previous report I immediately deputed the Prefect Tseng Ch'i-hsun to travel night and day and in conjunction with the Magistrates of Fei-cheng and P'ing-yin, acting under his orders, to devise all possible means for the ransom of the missionary Brooks, and to arrange for cavalry to follow so as to prevent the rebels' escape. I calculated that they would arrive on the spot by the evening of the 2nd January. But I have just received a telegram from the Magistrate of Fei-Ch'eng, reporting that on the 31st December the missionary was taken by mounted „Boxers" to Mao Chia P'u, and there murdered. || „I have telegraphed to Tseng Ch'i to act with the two Magistrates, and have given them three days within which to capture the murderers. I have also directed the provincial Judge to depute an official to proceed to Tai-an Fu and invite one

Nr. 12291. Grofs-britannien. 5. Jan. 1900.

of the foreign missionaries to go with him to identify the corpse, and to make proper arrangements for burial and expenses. || „I have to report to the Yamên the circumstances attending my inability to be in time to rescue the missionary." || We have the honour to observe that troops have been repeatedly sent to deal with the „Boxer" rebels, who have been creating disturbances in Shantung. Governor Yüan had only just arrived at his post, and was in the act of arranging the disposition of his troops when this unforeseen occurrence took place. The missionary arrived in Fei Ch'eng district, and was carried off by the rebels. The Governor, on hearing of this, immediately sent a deputy to rescue him, but before the soldiers arrived the missionary had been killed. It is undoubtedly true that there was no time to rescue him. || We have to express our deepest sorrow; and in addition to telegraphing to the Governor to immediately capture the murderers, it is our duty to address your Excellency for your information. (Seal of Yamên.)

Kaiserliches Dekret, datiert vom 5. Januar 1900.

(Translation.) Yüan Shih-K'ai reports by telegraph that rebels have collected and made disturbances in the two districts of P'ing Yin and Fei-ch'êng, in Shantung. They seized a missionary and conveyed him to Mao Chia P'u. The Governor tried every means to ransom and save him, and sent cavalry to capture the rebels, but suddenly before he could be rescued the missionary was killed by the ruffians. || On perusal of this report we were most deeply grieved. The Treaties provide that all nations may propagate their religions in China, and we have repeatedly issued Decrees ordering the Provincial Governments to direct the local officials to afford efficient and constant protection. Notwithstanding our repeated orders and injunctions, this murder of a missionary takes place in Shantung. The neglect of precautionary measures by the civil and military officers of that province is an offence which cannot be condoned; and if the murderers of this missionary be not immediately arrested, it will show an utterly disgraceful state of affairs. || Let Yüan- Shih-ka'i denounce to the Throne and propose punishments for all the officials involved in this neglect of duty, and let him at the same time fix a date for the capture of the murderers, who must be caught and brought to justice so as to restore peace to the district and preserve friendly relations with our neighbours.

Nr. 12292. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Dasselbe.

Peking, March 10, 1900. (March 10.)

Nr. 12292. Grofs-britannien. 10. März 1900.

(Telegraphic.) || I have the honour to report that, with regard to the disturbances in Shantung and Chihli Provinces in connection with the missionaries, I have conferred with my American, French, German, and Italian

colleagues, whose missionaries are likewise concerned. On the 27th January, I addressed, in conjunction with the above colleagues, an identic note to the Tsung-li Yamên, requesting that an Imperial Decree should be published declaring the suppression of two anti-foreign secret societies which are both causing disturbances in Shantung and Chihli. || On the 2nd March, all five Representatives paid a personal visit to the Yamên, having already on the 27th February addressed a further identic note to the Chinese Ministers, but notwithstanding these steps the Yamên have declined to publish the Decree in accordance with our request. || I now learn that the disturbances are spreading, that recruits are being enlisted by one of the societies and that drilling is proceeding in the environs of Peking and Tient-sin. We have consequently sent in a further note stating that „unless our request is complied with without delay, we will urge on our Governments the advisability of adopting other measures for the protection of the lives and property of our nationals in China". || If the Chinese Government should refuse to publish the Decree we have required, and should the state of affairs not materially improve, I would respectfully recommend that a few ships of war of each nationality concerned should make a naval demonstration in North Chinese waters. Identic recommendations are being telegraphed home by my four colleagues above-mentioned.

Nr. 12292. Grofsbritannien. 10. März 1900.

Nr. 12293. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Auswärtigen. Ansicht Delcassés über eine Flottendemonstration.

Paris, March 12, 1900. (March 12.)

(Telegraphic.) The French Minister of Foreign Affairs has this morning received a telegram, similar to the one repeated to me in your Lordship's telegram of yesterday's date, on the subject of missionary troubles in China. His Excellency had not read it before I saw him. He expressed the opinion that, if the five Representatives on the spot looked upon the situation as one requiring a naval demonstration in the northern waters of China, as proposed, their Governments could not properly refuse to authorize it. He said, however, that he could not at once state positively what the French Government would decide.

Nr. 12293. Grofsbritannien. 12. März 1900.

Nr. 12294. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Weitere Einzelheiten über die Unruhen. Kaiserliches Dekret.

Peking, January 17, 1900. (March 19.)

My Lord, || In continuation of my despatch of the 5th instant on the subject of the murder of Mr. Brooks and the disturbed state of the north-western part of the Province of Shantung, I have the honour to report upon

Nr. 12294. Grofsbritannien. 17. Jan. 1900.

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my further representations to the Tsung-li Yamên in the matter. || The members of the Church of England Mission in that district were stationed at two towns: Mr. Brooks and Mr. Matthews at Ping Yin, and Messrs. Brown and Jones at T'ai An. Bishop Scott having telegraphed to Mr. Brown to inquire as to the state of affairs, received on the 9th instant a reply as follows: — || „Outlook very black; daily marauding; constant danger; Edict suppressing published; troops present, but useless; officials complete inaction T'ai An Prefect blocks; secret orders from Throne to encourage." || This telegram represented the missionaries' idea of the situation on the 7th instant, and allowing for some exaggeration on the part of their informants, probably Chinese adherents of their Church, gave a very unfavourable picture of the conduct of the local officials. || On the 11th instant I saw the Ministers of the Tsung-li Yamên, and spoke to them in terms of the gravest warning. While I could not believe it possible, I said, that the rumours of secret orders from the Throne were true, the mere fact of the currency of such rumours showed the impression which the conduct of the Prefect conveyed to the public. || So much was I impressed by this, that I had come to-day especially to protest against the behaviour of the Shantung officials. The whole of the present difficulty could be traced to the attitude of the late Governor of Shantung, Yü Hsien, who secretly encouraged the seditious Society known as „the Boxers". I had again and again pointed out to the Ministers that until China dealt with the high authorities in such cases these outrages would not cease. I asked the Ministers to telegraph to the new Governor Yüan that I had called at the Yamên that day to complain of the conduct of the Prefect of T'ai An. || The Ministers attempted to excuse the inertia of the local officials on the plea that their difficulties were very great. The primary cause of the trouble was the bad feeling existing between the converts and the ordinary natives. This had developed until bands of marauders had formed, who harassed Christians and other natives alike. The local officials had hitherto not had sufficient force to cope with so widespread a rising, but now that Yüan and his troops had been sent to the province they hoped for the speedy restoration of order. || I impressed upon the Ministers in the most emphatic manner my view of the gravity of the situation. The Imperial Edict expressing sorrow for what had occurred and enjoining strong measures was satisfactory so far as it went; but Her Majesty's Government required something more than mere words, and would now await action on the part of the Chinese Government in conformity with their promises. The negotiations, I said, with regard to this case were only beginning, and (turning to the Yamên Secretaries, who were present taking notes) I requested that my words might be carefully recorded for submission to the Throne, and continued: „Whether these negociations take a friendly line or the reserve depends entirely upon the behaviour of the local authorities and the manner in which they carry out the commands of the Emperor as expressed in the Edict." || On

the 9th instant I had received a note from the Tsung-li Yamên announcing the receipt of a telegram from Governor Yüan to the effect that three of the murderers had already been captured, that they had confessed their guilt, and had been taken to Chinan-fu, the provincial capital. The Ministers informed me that they had received another telegram from the Governor referring to the rules for international cases drawn up in 1876, which provide that the Consul of the nation concerned shall be present at the trial of Chinese offenders in such cases. The Governor suggested that to save time one of the missionaries on the spot might be authorized to be present instead of a Consul. || I told the Ministers that I would consider the question, and let them have an early notice of my decision. || In view of the importance of the case, I subsequently decided to send Mr. C. W. Campbell, Her Majesty's Vice-Consul at Shanghae, to Shantung to confer with the Governor, to be present at the trial of the murderers, and to see that proper measures were taken by the Provincial authorities for the restoration of order in the district. || I informed the Tsung-li Yamên of my intention on the 12th instant, and instructed Mr. Campbell by telegraph to proceed to Chinan-fu as soon as possible. || I inclose translation of an Imperial Decree issued on the 11th January, which is regarded in some quarters with misgiving. It seems liable to be read as modifying the severity of the Decree of the 5th January on this case, and to be construed as admitting the possibility of excuse for such Societies as the „Boxers". But in view of the divergence of opinion as to its effects, I have not thought it expedient as yet to make any remarks on the subject to the Tsung-li Yamên. If the promises of the first Edict be no faithfully fulfilled, I may then use it as a proof of want of sincerity on the part of the Chinese Government, who continually nullify their fair promises — which, however, are no more than their plain and bounden duty — by subsequent obstruction.

Claude M. MacDonald.

Anlage.

Kaiserl. Dekret vom 11. Januar 1900.

(Translation.) || Of late in all the provinces brigandage has become daily more prevalent, and missionary cases have recurred with frequency. Most critics point to seditious Societies as the cause, and ask for rigorous suppression and punishment of these. But reflection shows that Societies are of different kinds. When worthless vagabonds form themselves into bands and sworn confederacies, and relying on their numbers create disturbances, the law can show absolutely no leniency to them. On the other hand, when peaceful and law-abiding people practise their skill in mechanical arts for the self-preservation of themselves and their families, or when they combine in village communities for the mutual protection of the rural population, this is in accordance with the public-spirited principle (enjoined by Mencius) of „keeping mutual

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watch and giving mutual help". || Some local authorities, when a case arises, do not regard this distinction, but, listening to false and idle rumours, regard all alike as seditious Societies, and involve all in one indiscriminate slaughter. The result is that no distinction being made between the good and the evil, men's minds are thrown into fear and doubt. This is, indeed, „adding fuel to stop a fire" „driving fish to the deep part of the pool to catch them". It means, not that the people are disorderly, but that the administration is bad. || The profound compassion and unbounded favour of our dynasty have blessed the country for over 200 years; the people eat our produce and tread our soil; they have natural goodness implanted in them; how can they, of their own free will, come to adopt bandit ways, and bring down punishment upon themselves? || The essential thing is that the Viceroys and Governors of the provinces should select officers worthy of confidence, who should rule their districts well, and give rest to their people. When litigation arises between converts and people, it should be dealt with according to justice, without the slightest partiality for either side. Such conduct serves as a matter of course to fulfil the people's trustful hopes, and to quiet popular feeling in time of trouble, changing serious affairs to trifles, and causing trifling ones to disappear. The stability of the country's institutions and the consolidation of international relations alike depend on this. || The Viceroys and Governors of the provinces have received the fullest and weightiest marks of our favour. || If they offer their united services in these critical times, they must be able to carry into effect the determination of the Throne to treat the masses with paternal kindness, and to regard all men with equal benevolence. Let them give strict orders to the local authorities, that in dealing with cases of this kind they should only inquire whether so and so is or is not guilty of rebellion, whether he has or has not stirred up strife, and should not consider whether he belongs to a Society or not, whether he is or not an adherent of a religion. || As for our common people, let them give thought to the protection and security of their native places, their persons, and their homes. Let them not give ear to those who would unsettle their minds and so bring upon themselves calamities and military operations. Nor let them on the other hand presume upon influence and authority to oppress their fellow-villagers. || In this way it is our earnest hope that the hamlets will be at peace, and that thus we may be relieved of our anxious care by day and night. || Let this Decree be published abroad.

Nr. 12295. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Dasselbe.

Peking, March 23, 1900. (March 23.)

Nr. 12295. Grofsbritannien. 23. März 1900.

(Telegraphic.) The Tsung-li Yamên have not yet replied to the further note addressed to them by the four Representatives; when they do, it will probably be to refuse our request. || From Mr. Campbell in Shantung I learn

by telegraph that whereas the Governor shows energy and is willing, the policy of the other officials is obstruction; further, that in the western portion of the province fresh disturbances have arisen. || With reference to my telegram of the 10th and your Lordship's of the 11th instant, I learn that the Government of the United States have ordered one ship-of-war to go to Taku for the purpose of protecting American interests, that the Italian Minister has been given the disposal of two ships, and the German Minister has the use of the squadron at Kiao-chau for the same purpose. || With a view to protect British missionary as well as other interests, which are far in excess of those of other Powers, I would respectfully request that two of Her Majesty's ships be sent to Taku.

Nr. 12295. Großbritannien. 23. März 1900.

Nr. 12296. GROSSBRITANNIEN. — Derselbe an Denselben. Bestrafung der Mörder von Brooks.

Peking, March 29, 1900. (March 29.)

Nr. 12296. Großbritannien. 29. März 1900.

(Telegraphic.) With referency to the murder of Mr. Brooks, I have the honour to inform your Lordship that five prisoners have now been found guilty after four days' trial in the presence of Mr. Consul Campbell and two missionaries. One was shown to have beheaded and killed the victim while the other four were accessories and culpable in various degrees. Two of the prisoners have been sentenced to death, the third to imprisonment for life, another to imprisonment for ten years, and the fifth to banishment for two years. || A sum of 7 500 taels has been paid for the cost of building a memorial chapel, 1 500 taels for a memorial at the college at Canterbury to which deceased belonged, and a further sum of 500 taels for the erection of a tablet on the scene of the murder. || The District Magistrate of Fei Ch'eng where the murder took place has been dismissed, and he has further been denounced to the throne. || As the murder did not take place within the jurisdiction of the two neighbouring Magistrates, the Yamên refused to punish them, although they are equally culpable. I have accordingly informed the Yamên that for this reason I consider that the result of the trial is unsatisfactory, and that I would report to your Lordship in this sense. || Yü Hsien, the late Governor of the province, who has recently been appointed Governor of Shansi, is the principal culprit, and we cannot well insist on the punishment of minor officials, who practically acted under his orders, unless this man is first punished.

Nr. 12297. **GROSSBRITANNIEN.** — Der Gesandte in Peking an den Minister des Auswärtigen. Näheres über die Verhandlungen mit dem Tsung-li Yamen. Der Name „Boxer“.

Peking, January 31, 1900. (April 2.)

Nr. 12297. Grofsbritannien. 31.Jan.1900.

My Lord, || In my despatch of the 5th instant I described the disturbed state of the northern part of the Province of Shantung and the southern part of the Province of Chih-li, and inclosed translation of a satisfactory Imperial Decree, issued on the 5th January, in connection with the murder of the Rev. S. M. Brooks. || On the 17th instant, in my despatch of that date, I forwarded translation of a second Decree, dated the 11th January, dealing with anti-Christian disturbances, and stated that it was viewed with some misgivings, as liable to encourage the members of such Societies as the „Boxers”. || Subsequent reports received by me and my American, French, and German colleagues from foreign missionaries resident in the affected region confirmed these first apprehensions. || On the 25th I conferred at this Legation with the Representatives of the three Powers above mentioned, and it was decided to address an identic note to the Tsung-li Yamên, setting forth the unfortunate impression to which the Decree of the 11th January had given rise, and requesting the issue of a Decree suppressing the offending Societies by name. I inclose copy of this note, dated the 27th instant. || It had not been understood that there were also Italian missionaries in the districts in question, and the Italian Minister had not, therefore, been invited to the Conference. He bas, however, sent to the Yamên an identic note. || The name of the Society given in the note as „The Fist of Righteous Harmony” is the same as the „Boxers”. The latter name was given in the first instance, either by missionaries or newspapers, but does not convey the meaning of the Chinese words. The idea underlying the name is that the members of the Society will unite to uphold the cause of righteousness, if necessary by force.

Claude M. MacDonald.

Anlage.

Sir C. MacDonald an das Tsung-li Yamen.

Peking, January 27, 1900.

MM. les Ministres, || Within the last few weeks I have had occasion to address your Highness and your Excellencies both by letter and personally with regard to the deplorable state of affairs which exists in northern Shantung and in the centre and south of Chih-li. || This state of affairs, which is a disgrace to any civilized country, has been brought about by the riotous and lawless behaviour of certain ruffians who have banded themselves together into two Societies, termed respectively the „Fist of Righteous Harmony” and the „Big Sword Society”, and by the apathy, and in some instances actual connivance and encouragement of these Societies by the local officials. || The

members of these Societies go about pillaging the homes of Christian converts, breaking down their chapels, robbing and ill-treating inoffensive women and children, and it is a fact, to which I would draw the special attention of your Highness and your Excellencies, that on the banners which are carried by these riotous and lawless people are inscribed the words: „Exterminate the Foreigners." || On the 11th January an Imperial Decree was issued drawing a distinction between good and bad Societies. The wording of this Decree has unfortunately given rise to a widespread impression that such Associations as the „Fist of Righteous Harmony" and the „Big Sword Society" are regarded with favour by the Chinese Government, and their members have openly expressed their gratification and have been encouraged by the Decree to continue to carry on their outrages against the Christian converts. || I cannot for a moment suppose that such was the intention of this Decree. These Societies are, as I have shown, of a most pernicious and rebellious character. || I earnestly beg to draw the serious attention of the Throne to the circumstances above described: the disorders have not reached such a stage that they cannot be stamped out by prompt and energetic action; but if such action be not immediately taken, the rioters will be encouraged to think that they have the support of the Government and proceed to graver crimes, thereby seriously endangering international relations. || As a preliminary measure, and one to which I attach the greatest importance, I have to beg that an Imperial Decree be published and promulgated, ordering by name the complete suppression and abolition of the „Fist of Righteous Harmony" and the „Big Sword Societies", and I request that it may be distinctly stated in the Decree that to belong to either of these Societies, or to harbour any of its members, is a criminal offence against the laws of China.

Nr. 12297. Grofsbritannien. 31. Jan. 1900.

Nr. 12298. CHINA. — Kaiserliches Dekret über die Nachfolge.

24. Januar 1900. (2. April.)

Nr. 12298. China. 24. Jan. 1900.

(Translation.) || When at a tender age we entered into the succesion to the throne, Her Majesty the Empress-Dowager graciously undertook the rule of the country as Regent, taught and guided us with diligence, and managed all things, great and small, with unremitting care, until we ourself assumed the government. Thereafter the times again became critical. We bent all our thoughts and energies to the task of ruling rightly, striving to requite Her Majesty's loving kindness, that so we might fulfil the weighty duties intrusted to us by the late Emperor Mu Tsung Yi (T'ung Chih). || But since last year we have suffered from ill-health, affairs of State have increased in magnitude and perplexity, and we have lived in constant dread of going wrong. || Reflecting on the supreme importance of the worship of our ancestors and of the spirits of the land, we therefore implored the Empress-Dowager to advise us in the government. This was more than a year ago, but we have never been

Nr. 12298. China. 24. Jan. 1900.

restored to health, and we have not the strength to perform in person the great sacrifices at the altar of Heaven and in the temples of the spirits of the land. || And now the times are full of difficulties. We see Her Gracious Majesty's anxious toil by day and by night, never laid aside for rest or leisure, and with troubled mind we examine ourself, taking no comfort in sleep or food, but ever dwelling in thought on the labours of our ancestors in founding the dynasty, and ever fearful lest our strength be not equal to our task. || Moreover, we call to mind how, when we first succeeded to the throne, we reverently received the Empress-Dowager's Decree that as soon as a Prince should be born to us he should become the heir by adoption to the late Emperor Mu Tsung Yi (T'ung Chih). This is known to all the officials and people throughout the Empire. || But we suffer from an incurable disease, and it is impossible for us to beget a son, so that the Emperor Mu Tsung Yi has no posterity, and the consequences to the lines of succession are of the utmost gravity. Sorrowfully thinking on this, and feeling that there is no place to hide ourself for shame, how can we look forward to recovery from all our ailments? || We have therefore humbly implored Her Sacred Majesty carefully to select from among the near branches of our family a good and worthy member, who should found a line of posterity for the Emperor Mu Tsung Yi (T'ung Chih), and to whom the Throne should revert hereafter. After repeated entreaties, Her Majesty has now deigned to grant her consent that P'u Chün, son of Tsai Yi, Prince Tuan, should be adopted as the son of the late Emperor Mu Tsung Yi (T'ung Chih). We have received Her Majesty's Decree with unspeakable joy, and in reverent obedience to her gracious instruction we appoint P'u Chün, son of Tsai Yi, as Prince Imperial, to carry on the dynastic succession. || Let this Decree be made Known to all men.

Nr. 12299. CHINA. — Der Gesandte in London an den englischen Minister des Auswärtigen. Übersendet ein kaiserliches Edikt über die Wahl eines Nachfolgers.

Chinese Legation, April 2, 1900. (April 4.)

Nr. 12299. China. 2. April 1900.

My Lord, || I have the honour to acquaint your Lordship of an Imperial Edict relating to the succession to the Throne of China, which I have been instructed by the Tsung-li Yamên to communicate to your Lordship, for the information of Her Majesty's Government. The Edict bears the date of the 24th day of the 12th month of the 25th year of Kuang Hsü (24th January, 1900), and is as follows:— || „On our succession, at a very tender age, to the throne, and afterwards during the whole period of the Regency, we were placed under deep obligations to the Empress-Dowager for the solicitude with which she watched over us, and for the counsels we received from her in matters great and smal. By way of requiting the favours thus vouchsafed to us, and of discharging the onerous duties imposed on us as the successor of

Nr. 12299. China. 2. April 1900

the Emperor Tung Chih, our constant endeavour has always been to improve the administration of the country. But during the last year, bad health, and the burden of the multifarious business of the State, have often made us fearful lest whe should prove unequal to the task and stumble under the weight of our great responsibilities. || „Now, considering the Edict which was promulgated by the Empress-Dowager on our accession to the throne, and in which, as is well known alike to Ministers and people throughout the Empire, it is stated that, on a son being born to us, he should be accounted as the son of the Emperor Tung Chih, posthumously adopted to continue the succession; and also considering that we suffer from a congenital infirmity which renders our ever having a son improbable, and that the settlement of the succession is a matter of great importance, we have on several occasions reverentially besought and entreated the Empress-Dowager to select from amongst the members of the Imperial family, most nearly related to the throne, some good and fitting person who should be considered as the son by adoption of His Majesty the late Emperor Tung Chih, and Her Majesty, having at length been graciously pleased to consent to this, has nominated P'u Tsun, son of Tsai Yih, Prince Tuan, as the person who is to be considered as the son of Tung Chih, and the successor to the throne when the necessity shall arise. || „This nomination, having been highly gratifying to us, we do hereby, in compliance with it, create P'u Tsun, son of Tsai Yih, an Imperial Prince, to the end that the line of the succession to the throne may be continued." || The appointment of the Prince to continue the Imperial succession being a matter of great international importance, I am to request that your Lordship will be so good as make note of the Imperial Edict, of which the above is a translation, and of which I also inclose the text in Chinese.

Lofêngluh.

Nr. 12300. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Korrespondenz mit dem Tsung-li Yamen über die Unterdrückung der geheimen Gesellschaften.

Peking, March 5, 1900. (April 16.)

Nr. 12300. Grofsbritannien. 5. März 1900.

My Lord, || In my despatch of the 31st January, I had the honour to forward to your Lordship copy of an identic note addressed to the Yamên on the 27th January by myself, my American, French, German, and Italian colleagues, in which we asked that a Decree should be issued specifically denouncing the anti-Christian Societies in Shantung and Chihli. || Receiving no answer, we wrote again on the 21st February, pressing for a reply, and on the 25th February we each received the note, of which I inclose copy herewith. Your Lordship will observe that in this note the Yamên misquote the note to which it is a reply, make no mention of either of the Societies whose

Nr. 12300. Grofsbritannien. 5. März 1900.

suppression we had demanded, and merely state that a Decree had been issued ordering the Governors of the provinces to put an end to the disturbances. || This was considered so unsatisfactory by myself and the Representatives of the other four Powers that we decided to ask for an interview with the Yamên, at which Prince Ch'ing should be present, and we prepared an identic note, copy of which is inclosed, to be delivered at the interview, in which we repeated the demand already made, with the additional stipulation that the Decree we asked for should be published in the official Gazette, in the same way as the harmful Decree of the 11th January. || The interview was arranged for the 2nd instant, and on the evening of the 1st instant we each received from the Yamên the note and inclosure of which I have the honour to forward translation herewith. The inclosure consists of a Proclamation by the Governor-General of Chihli, embodying an Imperial Decree, in which the „Boxers" are denounced in unambiguous terms. || Had this note been sent in the first instance as a reply to the identic note it would, as I subsequently informed the Yamên, have probably been accepted as satisfactory by the Representatives of the five Powers concerned. In view, however, of the tardiness with which the Chinese Government had dealt with this matter, and of the aggravated suspicion as to the meaning of the Decree concerning Societies caused by the evasive terms of the Yamên's note of the 24th February, it was decided at a Conference held before we started for the Yamên that we should adhere to the demand formulated in the identic note which we had already prepared. || Mr. Conger, United States' Minister, Baron von Ketteler, German Minister, Marquis Salvago, Italian Minister, Baron d'Anthouard, French Chargé d'Affaires, and myself were received at the Yamên by Prince Ch'ing and nearly all the Ministers. On behalf of myself and my colleagues I recapitulated the circumstances, as detailed above, which had led to the demand which we now made. My colleagues all expressed to the Prince and Ministers their entire concurrence with the language I used. Mr. Conger reminded the Yamên of the incredulity with which they had listened to his representations regarding these disturbances over three months ago, and the promises they had been making ever since, from which nothing had resulted. || Baron von Ketteler laid special stress on the fact that in the Decree just communicated no mention was made of the „Ta Tao Hui", or „Big Knife Society", the denunciation of which, equally with that of the „I-Ho-Ch'uan" or „Fist of Righteous Harmony", had been demanded. || The Prince and Ministers protested emphatically that the Throne was earnest in its determination to put a stop to the outrages committed by these Societies. They maintained that the method adopted for promulgating the Imperial Decree, that of sending it to the Governors of the provinces concerned, to be embodied in a Proclamation and acted upon, was much speedier and more effective than that of publishing a Decree in the „Peking Gazette", as suggested by us. With regard to the omission of the term „Ta Tao Hui" from the Decree, they

declared that this Society was now the same as the „I-Ho-Ch'uan". || While we acknowledged the sincerity displayed by the Imperial Decree and its promulgation by Proclamation, none of the arguments employed by the Yamên convinced us that there was any real objection, beyond a dislike to obeying foreign dictation, to the publication of a Decree in the Gazette in the terms we demanded, and we therefore handed in the identic notes which we had prepared. || The Yamên promised to consider the question and to send a reply.

Claude M. MacDonald.

Anlage 1.

Das Tsung-li Yamen an Sir C. MacDonald.

Peking, February 25, 1900.

(Translation.) || Sir, || On the 21st instant we received your Excellency's note stating that you had some time since addressed us with regard to rebellious ruffians who in Shantung and elsewhere formed societies and made disturbances, requesting us to memorialize the throne to issue a Decree in terms of strict prohibition; that you had not yet received a reply, and asking us to immediately memorialize the throne as originally requested, and to reply. || We have the honour to state that on the 19th instant we had already memorialized the throne on the subject, and at once received an Imperial Decree directing the Governor-General of Chihli and the Governor of Shantung to issue orders by Proclamation, and to strictly forbid the above proceedings. || We have the honour to reply accordingly for your Lordship's information.

(Seal of Yamên.)

Anlage 2.

Das Tsung-li Yamen an Sir C. MacDonald.

Peking, March 1, 1900.

(Translation.) || Sir, || With regard to the strict prohibition of the disturbances raised by the „Fist Society" in Shantung and Chihli, the Yamên lately memorialized the throne and, in obedience to the Imperial commands, sent instructions to the Governor-General of Chihli and the Governor of Shantung to issue Proclamations in terms of severe prohibition. || We wrote to your Excellency to this effect on the 25th January. || We have now received a reply from the Governor-General of Chihli stating that he has instructed all local authorities within his jurisdiction to issue a Proclamation couched in words of the most stringent admonition. His Excellency sends us a draft of the Proclamations to be issued. || When we receive the reply of the Governor of Shantung we will again communicate with your Excellency. Meanwhile we send you a copy of the Governor-General of Chihli's draft Proclamation.

(Seal of Yamên.)

Nr. 12300. Grofsbritannien. 5. März 1900.

Anlage 3.

Proklamation des Governor-General von Chihli.

(Translation.) || In a matter of the most stringent admonition and strict prohibition. || On the 21st February last the following Imperial Decree was reverently received:— || „The Tsung-li Yamên memorializes requesting our orders for the strict suppression of the ‚Fist Society'. Last year the Governor of Shantung telegraphed that the Society known as ‚the Fist of Righteous Harmony' in many of his districts under the plea of enmity to foreign religions, were raising disturbances in all directions, and had extended their operations into the southern part of Chihli. We have repeatedly ordered the Governor-General of Chihli and the Governor of Shantung to send soldiers to keep the peace. But it is to be feared that if stern measures of suppression of such proceedings as secretly establishing societies with names and collecting in numbers to raise disturbances be not taken, the ignorant populace will be deluded and excited, and as time goes on things will grow worse, and when some serious case ensues we shall be compelled to employ troops to extirpate the evil. The sufferers would be truly many, and the throne cannot bear to slay without warning. || „Let the Governor-General of Chihli and the Governor of Shangtung issue the most stringent Proclamations admonishing the people and strictly prohibiting (the societies) so that our people may all know that to secretly establish societies is contrary to prohibition and a breach of the law. || „Evil customs must be rooted out and the people encouraged to be good. Should any obstinately adhere to their delusions and persist in their old ways they must be immediately punished with the greatest severity and without the slightest mercy. || „Both converts and the ordinary Chinese are the subjects of the throne and in all cases of lawsuits the local officials must adjudicate with fairness, discriminating only between right and wrong and not between the adherents of foreign religions and others. There must be no trace of partiality. Thus will be supported our supreme desire to treat all with equal benevolence. || „Let the high officials named proclaim our words, that all people may know our will." || I (the Governor-General) find it settled by decided cases that those people of no occupation, busybodies who style themselves Professors, and practise boxing, and play with clubs, and teach people their arts; those also who learn from these men, and those who march about and parade the villages and marts flourishing tridents, and playing with sticks, hoodwinking the populace to make a profit for themselves, are strictly forbidden to carry on such practices. Should any disobey, on arrest the principals will receive 100 blows with the heavy bamboo, and be banished to a distance of 1000 miles. The pupils will receive the same beating, and be banished to another province for three years and, on expiration of that period and return to their native place be subjected to strict surveillance. || Should any inn, temple or house harbour

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these people without report to the officials, or should the police and others not search them out and arrest them, the delinquents will be sentenced to eighty blows with the heavy bamboo for improper conduct in the higher degree. || From this it appears that teaching or practising boxing and club play, and deluding tbe people for private gain are fundamentally contrary to law. But of late some of the ignorant populace have been deluded by ruffians from other parts of the Empire who talk of charms and incantations and spiritual incarnations which protect from guns and cannon. || They have dared to secretly establish the Society of the Fist of Righteous Harmony and have practised drill with fists and clubs. The movement has spread in all directions, and under the plea of hatred of foreign religions these people have harried the country. When soldiers and runners came to make arrests, turbulent ruffians had the audacity to defy them relying on their numbers, thereby exhibiting a still greater contempt for the law. || Although the officials, civil and military, have put out many Proclamations admonishing the people, there are still great numbers who, while professing obedience, are secretly recalcitrant and cling to their former errors. It must be remembered that both converts and ordinary Chinese are the cherished sons of the Government. Should differencies arise between any of these, it is a matter of duty for the parties to have recourse to an official decision; but to presume to assemble in armed mobs to burn and destroy houses, and rob and pillage, and even to hold men to ransom, and inflict bodily injury, and to defy and resist the official troops, is conduct differing in no respect from that of robbers and rebels. || You have all of you your lives and property. Why then allow yourselves to be deluded and excited by wicked men, and cling to your mistaken ideas, deliberately entering the meshes of the law? || In addition to instructing all the local officials to adopt strict measures of prohibition and to punish without fail all offenders, I hereby issue this most stringent admonition and notify all people in my jurisdiction, gentry and every class of the population, that you should clearly understand that the establishment and formation of secret societies for the practice of boxing and club exercises are contrary to prohibition and a breach of the law. || The assembly of mobs to create disturbances and all violent outrages are acts which the law will still less brook. || As regards the establishment of these boxing lodges which excite and delude the people and give rise to disturbances, strict orders have now been issued for the arrest and punishment of the ringleaders. They have no chance whatever of escaping the hand of justice. As to the ignorant and stupid persons who have been persuaded to join the society and practise boxing, it is imperative that they recognize their error, abandon their pernicious practices and exert themselves to be good subjects of the Empire. Should they speedily correct their fault, their past offences will be graciously overlooked, but if they do not mend their ways and continue in their evil course, and lodges are again established for the practice of boxing and club exercise, and

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the people led into error for the private gain of the promoters, the local officials will immediately in combination with the military forces arrest the offenders who will be punished with the utmost severity without the slightest mercy. || The converts and the ordinary people are all the subjects of the throne, and are regarded by the Government with impartial benevolence. No distinction is made between them. Should they have lawsuits they must bow to the judgments of ihe officials. The ordinary people must not give way to rage, and by violent acts create feuds and trouble. || The converts on the other hand must not stir up strife and oppress the people or incite the missionaries to screen them and help them to obtain the upper hand. || The local officials must on their part carefully observe the stipulations of the Treaties. In their decision of cases brought before them they must not consider who is a convert or who is an ordinary Chinese. They must only differentiate right and wrong, and must act with impartiality and without any favour to either side. || Finally, it is my fervent wish that all, whether converts or ordinary people, will attend to their own affairs and keep the law, that all needless suspicions be abandoned, and that all may cultivate friendly relations the one with the other. || Let all tremblingly obey!

Anlage 4.

Sir C. MacDonald an das Tsung-li Yamen.

Peking, February 27, 1900.

Mm. les Ministres. || I have the honour to acknowledge receipt of your Highness' and your Excellencies' note of the 25th instant, in answer to my notes of the 27th January and the 21st February on the subject of the anti-Christian disturbances in Shantung and Chihli. || As the Yamên have not acceded to my request to obtain the issue of an Imperial Decree in the terms specified in my note of the 27th January, I beg to repeat a portion of that despatch with the addition of the words „in the ‚Peking-Gazette'." || I request that an Imperial Decree may be issued and published in the „Peking Gazette" ordering by name the complete suppression and abolition of the „Fist of Righteous Harmony" and „Big Sword Societies", and I request that it may be distinctly stated in the Decree that to belong to either of these societies or to harbour any of its members is a criminal offence against the law of China. || Nothing less than this will, I am convinced, put an end to the outrages against Christians which have lately been so prevalent in Chihli and Shantung. Should the Chinese Government refuse this reasonable request I shall be compelled to report to my Government their failure to take what may be called only an ordinary precaution against a most pernicious and anti-foreign organization. The consequences of further disorder in the districts concerned cannot fail to be extremely serious to the Chinese Government.

Claude M. MacDonald.

Nr. 12301. **GROSSMÄCHTE.** — Unterhandlungen der Gesandten in Peking mit dem Tsung-li Yamen über die Boxer-Unruhen.

Memorandum of Interview between Sir C. MacDonald, with four other Foreign Representatives, and the Tsung-li Yamên, on the subject of Boxer Disturbances in Shantung and Chihli.

Peking, 2. März 1900. (16. April.)

Nr. 12301. Grofsmächte. 2. März 1900.

Sir Claude MacDonald, with Mr. Fulford and Mr. Ker, Mr. Conger, United States' Minister, With Mr. Cheshire; Baron Ketteler, German Minister, with Baron von der Goltz; Marquis Salvago, Italian Minister, with Dr. Merklinghaus; and Baron d'Anthouard, French Chargé d'Affaires, with M. Morisse; called by appointment at the Yamên, and were received by Prince Ch'ing Wang Wen-shao, Chao Shu-ch'iao, Hsü Jung-i, Hsü Ching-ch'eng, Wu T'ing-fen, Kuei Ch'un, Lien Yuan. || Sir Claude MacDonald recapitulated the circumstances which had induced the five Representatives to come to-day to discuss the disturbances now going on in Shantung and Chihli. It was admitted that these disturbances were the work of two Societies known as the I-Ho Ch'üan and the Ta Tao Hui. On the 11th January an Imperial Decree was published in the „Peking Gazette", which although not mentioning these Societies by name, was drawn up in such ambiguous terms that it has given rise to a wide-spread impression that these Societies were actually encouraged by the Throne. The result had been to unsettle people's minds and in many cases to produce further disturbances. || The Representatives of the various Powers who had special interests in those two provinces on account of the number of Mission Stations occupied by their nationals in the said provinces, had therefore addressed an identic note to the Yamên requesting that a Decree should be issued denouncing the I-Ho Ch'uan and the Ta Tao Hui specifically by name. This was on the 27th January. They waited a month without receiving an answer, and on the 21th February they wrote again pressing for a reply.

On the 25th February they received an answer from the Yamên which was absolutely unsatisfactory. It misquoted the Foreign Representatives' note; it made no mention of the Societies; it merely stated that a Decree had been issued ordering the Governors of the provinces to suppress — without stating what it was they were to suppress. || The Representatives of the five Powers were now here to request that an Imperial Decree should be issued, and published in the „Peking Gazette" in the same way as the former Decree, denouncing the I-Ho Ch'uan and the Ta Tao Hui by name, and declaring it a criminal offence against the laws of China to belong to either of these Societies, or to harbour any of their members. || The Yamên Ministers said that there was apparently some misapprehension on the part of the foreign Representatives. The first note addressed to the Yamên arrived just at the time

Nr. 12301. Grofsmächte. 2. März 1900.

of the New Year, but as soon as the New Year holidays were over the Yamên memorialized the Throne, and it will be seen from the Decree embodied in the Governor-General of Chihli's Proclamation inclosed in the Yamên's note of the previous day (the 1st March) that the Boxers were denounced by name. The Throne regarded this matter as of the greatest importance; and the Imperial Decree ordering the suppression of the Societies had been promulgated by sending it to the Governors of the two provinces as a much speedier and more effective means than publishing it in the Gazette. The Ministers referred to the stringent measures taken against these Societies in the reign of Chia Ch'ing (1796—1821), and said this policy was being consistently carried out at the present day. || Sir Claude observed that if he and his colleagues had received in the first instance the despatch which they received last night, it was just possible that they would not have been here to-day. As it was, they were now here to request that an Imperial Decree denouncing both Societies should be published in the „Peking Gazette" in the same way as the first misleading Decree. In view of what the Ministers stated as to the policy of the Chinese Government he presumed there would be no difficulty about making the publication in the Gazette which was requested. || The Prince and Ministers reiterated at length what they had already said as to the sincerity of the Government, and as to the superitority of the method of promulgation adopted. This was the method always adopted in the case of matters of importance, *i. e.*, a secret Decree was given to the Privy Council, not to be put into the Gazette, but sent to the provinces and acted upon. Besides, the Gazette only dealt with current matters, and this Decree had already been acted upon and was now past history. The previous Decree was a general one, couched in vague terms, and mentioning no particular Society. It referred to the whole Empire; but this Decree aimed specially at these two Societies, and the most effective means had been taken of conveying to the Provinces of Shantung and Chihli, to which it specially referred. || Sir Claude, speaking for himself, acknowledged the satisfactory terms of the Decree embodied in the Governor-General of Chihli's Proclamation inclosed in the Yamên's note of the previous day, but insisted that it should be published in the Gazette. Neither he nor his colleagues would be satisfied with anything short of this.

Mr. Conger addressed the Yamên in the same sense, dwelling on the harm done by the Decree of the 11th January and on the necessity of correcting it by a Decree published in an equally universal way. He reminded the Yamên that when this matter was first brought before them they declared he was only listening to idle rumours. For over three months the Chinese Government had been making similar assurances as to suppressing these disturbances to those they made now, but nothing had come of these assurances. The Yamên were therefore bound to comply with the suggestion and demand now made by his colleagues and himself. || The Yamên pointed out

that they had done all that the five foreign Representatives had asked them to do. The publication in the Gazette was a demand formulated for the first time to-day. || Baron von Ketteler expressed his agreement with his colleagues, but called special attention to the omission of the Ta Tao Hui from the Decree now communicated. The reason was that the Head of the Ta Tao Hui was in Peking at the present moment. When Yü Hsien was sent for by the Throne, instead of being sent to the Board of Punishments, he received a special mark of favour from the Imperial hands. The foreign Representatives demanded that such a man should be denounced before the country, and the only way to do so was to denounce the Society to which he belonged. || The suggestion that the former Governor of Shantung was the head of the Ta Tao Hui was received with undisguised merriment by the Prince and Ministers, but the Prince admitted that Yü Hsien was to blame for not having suppressed the disturbances. || Sir Claude MacDonald and Mr. Conger both expressed their agreement with Baron von Ketteler so far as regarded the responsibility of Yü Hsien for the disturbances in Shantung. They attributed the original Edict to his inspiration. || In reply to Baron von Ketteler, the Yamên explained that the Ta Tao Hui had amalgamated with the I-ho Ch'üan. The names which were or might be assumed by these brigands were legion. As a matter of fact, the Yamên's Memorial did mention the Ta Tao Hui by name. || Marquis Salvago expressed his agreement with his colleagues. || Baron d'Anthouard did the same, adding that he had received news that very day which proved that the authorities were not affording due protection to the missionaries in Shantung and Chihli. || The Yamên assured him that every precaution was being taken. || Baron Anthouard said he had received similar assurances over three months ago, and he wanted more than words, he wanted deeds, to reassure him. || Sir Claude then read to the Yamên, in the name of his colleagues, the last paragraph of his note of the 27th February, which was handed in. Identic notes were handed in by all the Representatives present. || The Yamên repeated what they said before as to the superiority of the method adopted for promulgating the Decree denouncing the Boxers over the method suggested by the foreign Representatives. || Sir Claude said that he accepted the Decree inclosed in Yamên note of the 1st March as satisfactory, and that but for the pernicious Edict of the 11th January, and but for the author of that Edict, they would not be here to-day. That was the reason why they asked for publication in the Gazette. || The Yamên (Hsu Yung-i) said that the five foreign Representatives had misunderstood the meaning of the Edict of the 11th January. The Throne was actuated by the best of motives in issuing it. It was designed to allay the bad feeling existing between the Christians and natives throughout the Empire, and to prevent such Societies as the Boxers, &c., in Shantung from committing atrocities by branding such Societies according to their deeds. The idea that it was inspired by Yü Hsien was entirely erroneous. || Sir Claude said

Nr. 12301. Grofsmächte. 2. März 1900.

he did not wish to enter into a discussion with regard to the Edict of the 11th January. The views of the foreign Representatives had been clearly put before the Prince and Ministers, and further discussion was unnecessary. He begged to draw the serious attention of the Ministers to the fact all five Representatives were present acting under instructions from their respective Governments, and begged that an early answer be given so that they might inform their Governments of the same. || The Yamên said they would consider the matter, and reply.

Peking, March 2, 1900.

Nr. 12302. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Ein kaiserliches Dekret ist gegen die Boxer erlassen.

Peking, April 16, 1900. (April 16.)

Nr. 12302. Grofs-britannien. 16. Apr. 1900.

(Telegrapic.) || With reference to my two telegrams of the 10th and 23rd ultimo, I have the honour to report that the „Official Gazette" has now published a Memorial from the Viceroy of Chihli, which embodies a satisfactory Imperial Decree denouncing by name the Boxers' Societies. || I have also to inform your Lordship that the two ships ordered to Taku have now returned to their ordinary duty.

Nr. 12303. GROSSBRITANNIEN. — Derselbe an Denselben. Ermordung von Christen bei Paoting-fu.

Peking, May 17, 1900. (May 17.)

Nr. 12303. Grofs-britannien. 17. Mai 1900.

(Telegraphic.) || The French Minister called to-day to inform me that the Boxers have destroyed three villages and killed 61 Roman Catholic Christian converts at a place 90 miles from Peking, near Paoting-fu. The French Bishop informs me that in that district, and around Tien-tsin and Peking generally, much disorder prevails. || The marine guard which was under orders to leave Tien-tsin has, at my request, been retained by the Admiral.

Nr. 12304. GROSSBRITANNIEN. — Derselbe an Denselben. Gemeinsame Note des diplomatischen Korps an das Tsung-li Yamen über die Boxer.

Peking, May 21, 1900. (May 21.)

Nr. 12304. Grofs-britannien. 21. Mai 1900.

(Telegraphic.) || Boxer disturbances. || With reference to my telegram of the 17th instant, I have the honour to report that all eleven foreign Representatives attended a meeting of the Diplomatic Body held yesterday afternoon, at the instance of the French Minister. || The doyen was empowered to write, in the name of all the foreign Representatives, a note to the Yamên to the

effect that the Diplomatic Body, basing their demands on the Decrees already issued by the Palace denunciatory of the Boxers, requested that all persons who should print, publish, or disseminate placards which menaced foreigners, all individuals aiding and abetting, all owners of houses or temples now used as meeting places for Boxers, should be arrested. They also demanded that those guilty of arson, murder, outrages, &c., together with those affording support or direction to Boxers while committing such outrages, should be executed. Finally, the publication of a Decree in Peking and the Northern Provinces setting forth the above. || The doyen of the Diplomatic Body, accordingly, sent in the note this morning.

Nr. 12304. Grofsbritannien. 21. Mai 1900.

Nr. 12305. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die Gesandten schlagen eine Flottendemonstration vor.

Peking, May 21, 1900. (21. May.)

(Telegraphic.) || With reference to my telegram of to-day's date, the foreign Representatives decided at their meeting to take further measures if the disturbances still continued, or if a favourable answer was not received to their note within five days. || The meeting did not decide what measures should be taken, but the Representatives were generally averse to bringing guards to Peking, and, what found most favour, was as follows: — || With the exception of Holland, which has no ships in Chinese waters, it was proposed that all the Maritime Powers represented should make a naval demonstration either at Shanhaikuan, or at the new port, Chingwangtao, while, in case of necessity, guards were to be held ready on board ship. || My colleagues will, I think, send these proposals as they stand to their Governments. || As the Chinese Government themselves seem to be sufficiently alarmed, I do not think that the above measure will be necessary, but, should the occasion arise, I trust that Her Majesty's Government will see fit to support it.

Nr. 12305. Grofsbritannien. 21. Mai 1900.

Nr. 12306. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russische Regierung hält ein weiteres Vorgehen gegen China für unnötig.

St. Petersburgh, May 23, 1900. (May 23.)

(Telegraphic.) || China. || Minister for Foreign Affairs is apparently satisfied by a telegram he has just received from Peking that further pressure will be rendered unnecessary by the Chinese Government at last taking sufficiently energetic measures.

Nr. 12306. Grofsbritannien. 23. Mai 1900.

Nr. 12307. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Ungenügende Antwort der Tsung-li Yamen auf 12304.

Peking, May 25, 1900. (May 25.)

Nr. 12307. Grofsbritannien. 25. Mai 1900.

(Telegraphic.) || Tsung-li Yamên have replied to the note sent by the doyen of the Corps Diplomatique, reported in my telegram of the 21st May. || They state that the main lines of the measures already in force agree with those required by the foreign Representatives, and add that a further Decree which will direct efficacious action, is being asked for. || The above does not even promise efficacious action, and, in my personal opinion, is unsatisfactory, I have, however, not yet had an opportunity of consulting my colleagues.

Nr. 12308. GROSSBRITANNIEN. — Derselbe an Denselben. Ansichten der Gesandten über die Lage.

Peking, May 27, 1900. (May 27.)

Nr. 12308. Grofsbritannien. 27. Mai 1900.

(Telegraphic.) || With reference to my telegram of the day before yesterday, I have the honour to report that at the meeting of the Corps Diplomatique, which took place yesterday evening, we were informed by the French Minister that all his information led him to believe that a serious outbreak, which would endanger the lives of all European residents in Peking, was on the point of breaking out. || The Italian Minister confirmed the information received by M. Pichon. || The Russian Minister agreed with his Italian and French colleagues in considering the latest reply of the Yamên to be unsatisfactory, adding that, in his opinion, the Chinese Government was now about to adopt effective measures. That the danger was imminent he doubted, but said that it was not possible to disregard the evidence adduced by the French Minister. We all agreed with this last remark. || M. Pichon then urged that if the Chinese Government did not at once take action, guards should at once be brought up by the foreign Representatives. Some discussion then ensued, after which it was determined that a precise statement should be demanded from the Yamên as to the measures they had taken, also that the terms of the Edict mentioned by them should be communicated to the foreign Representatives. || Failing a reply from the Yamên of a satisfactory nature by this afternoon, it was resolved that guards should be sent for. || Baron von Ketteler, the German Minister, declared that he considered the Chinese Government was crumbling to pieces, and that he did not believe that any action based on the assumption of their stability could be efficacious. || The French Minister is, I am certain, genuinely convinced that the danger is real, and owing to his means of information he is well qualified to judge.

Nr. 12309. GROSSBRITANNIEN. — Derselbe an Denselben. Beschlufs, Schutzwachen für die Gesandtschaften kommen zu lassen.

Peking, May 30, 1900. (May 31.)

Nr. 12309. Grofs-britannien. 30. Mai 1900.

(Telegraphic.) || Legation guards. || My telegram of yesterday's date. || French, Russian, and United States' Ministers, and myself, were deputed to-day at a meeting of the foreign Representatives to declare to the Tsung-li Yamên that the foreign Representatives must immediately bring up guards for the protection of the lives of Europeans in Peking in view of the serious situation and untrustworthiness of the Chinese troops. That the number would be small if facilities were granted, but it must be augmented should they be refused, and serious consequences might result for the Chinese Government in the latter event. || In reply, the Yamên stated that no definite reply could be given until to-morrow afternoon, as the Prince was at the Summer Palace. As the Summer Palace is within an hour's ride we refused to admit the impossibility of prompt communication and decision, and repeated the warning already given of the serious consequences which would result if the Viceroy at Tien-tsin did not receive instructions this evening in order that the guards might be enabled to arrive here to-morrow. The danger will be greatest on Friday, which is a Chinese festival.

Nr. 12310. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Graf Murawiew sieht die Lage optimistisch an.

St. Petersburgh, May 31, 1900. (May 31.)

Nr. 12310. Grofs-britannien. 31. Mai 1900.

(Telegraphic.) || China. Reports of discussions and decisions of foreign Representatives at Peking precisely similar to those contained in Sir C. Mac Donald's telegrams have been received by the Russian Foreign Office, but from a later report Count Mouravieff gathers that the danger is now less acute, and his Excellency evidently hopes that more vigorous action of the fresh troops which are being sent by the Chinese Government to check the Boxers may avert the necessity of bringing guards to Peking.

Nr. 12311. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die Kaiserin bereitet sich zur Flucht vor.

Peking, June 2, 1900. (June 3.)

Nr. 12311. Grofs-britannien. 2. Juni 1900.

(Telegraphic.) || With reference to my telegram of to-day, I am informed by the French Minister that he has learnt on good authority that the Empress-Dowager is preparing to fly to Sian-fu in Shensi, owing to hostile demonstrations of the Boxers against herself. || The Russian Minister, who came to see me to-day, said he thought it most imperative that the foreign Representatives

Nr. 12311. Grossbritannien. 2. Juni 1900.

should be prepared for all eventualities, though he had no news confirming the above report. He said he had been authorized by his Government to support any Chinese authority at Peking which was able and willing to maintain order in case the Government collapsed. || In reply to a question as to whether I shared his opinion, I said I was quite sure that Her Majesty's Government desired the maintenance of law and order by any properly constituted Chinese authority, and would support any measures having that object in view, but that I was without instructions in the matter.

Nr. 12312. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Angriffe auf englische Missionare bei Peking.

Peking, June 4, 1900. (June 4.)

Nr. 12312. Grofsbritannien. 4. Juni 1900.

(Telegraphic.) || I am informed by a Chinese courier who arrived to-day from Yung-Ching, 40 miles south of Peking, that on the 1st June the Church of England Mission at that place was attacked by the Boxers. He states that one missionary, Mr. Robinson, was murdered, and that he saw his body, and that another, Mr. Norman, was carried off by the Boxers. I am insisting on the Chinese authorities taking immediate measures to effect his rescue.

Nr. 12313. GROSSBRITANNIEN. — Derselbe an Denselben. Eine Belagerung der Gesandtschaften und Unterbrechung des Verkehrs nach aufsen droht.

Peking, June 4, 1900. (June 5.)

Nr. 12313. Grofsbritannien. 4. Juni 1900.

(Telegraphic.) || Present situation at Peking is such that we may at any time be besieged here with the railway and telegraph lines cut. In the event of this occurring, I beg your Lordship will cause urgent instructions to be sent to Admiral Seymour to consult with the officers commanding the other foreign squadrons now at Taku to take concerted measures for our relief. || The above was agreed to at a meeting held to-day by the foreign Representatives, and a similar telegram was sent to their respective Governments by the Ministers of Austria, Italy, Germany, France, Japan, Russian, and the United States, all of whom have ships at Taku and guards here. || The telegram was proposed by the French Minister and carried unanimously. It is difficult to say whether the situation is as grave as the latter supposes, but the apathy of the Chinese Government makes it very serious.

Nr. 12314. GROSSBRITANNIEN. — Derselbe an Denselben. Äufserungen der Tsung-li Yamen über die Lage.

Peking, June 5, 1900. (June 5.)

Nr. 12314. Grofsbritannien. 5. Juni 1900.

(Telegraphic.) || This afternoon I had an interview with the Prince and Ministers of the Yamên. They expressed much regret at the murder of Messrs. Robinson and Norman, and their tone was fully satisfactory in this

respect. || I pointed out that there was not the slightest indication that the Chinese Government intended to deal severely with the Boxer disturbances, and that insecurity of human life within a few miles of the capital and serious danger of an outbreak occurring within the city itself was the result of this attitude. || I said that this failure to suppress the Boxers was, as far as I could judge, leading straight to foreign intervention, however much friendly Powers might regret such a course. || No attempt was made by the Prince to defend the Chinese Government, nor to deny what I had said. He could say nothing to reassure me as to the safety of the city, and admitted that the Government was reluctant to deal harshly with the movement, which, owing to its anti-foreign character, was popular. He stated that they were bringing 6000 soldiers from near Tien-tsin for the protection of the railway, but it was evident that he doubted whether they would be allowed to fire on the Boxers except in the defence of Government property, or if authorized whether they would obey. || He gave me to understand, without saying so directly, that he has entirely failed to induce the Court to accept his own views as to the danger of inaction. It was clear, in fact, that the Yamen wished me to understand that the situation was most serious, and that, owing to the influence of ignorant advisers with the Empress-Dowager, they were powerless to remedy it.

Nr. 12314. Grofsbritannien. 5. Juni 1900.

Nr. 12315. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Ein kaiserliches Dekret beurteilt die Boxer milde.

Peking, June 7, 1900. (June 8.)

(Telegraphic.) || There is a long Decree in the „Gazette" which ascribes the recent trouble to the favour shown to converts in law suits and the admission to their ranks of bad characters. It states that the Boxers, who are the objects of the Throne's sympathy equally with the converts, have made use of the anti-Christian feeling aroused by these causes, and that bad characters among them have destroyed chapels and railways which are the property of the State. || Unless the ringleaders among such bad characters are now surrendered by the Boxers they will be dealt with as disloyal subjects, and will be exterminated. Authorization will be given to the Generals to effect arrests, exercising discrimination between leaders and their followers. || It is probable that the above Decree represents a compromise between the conflicting opinions which exist at Court. The general tone is most unsatisfactory, though the effect may be good if severe measures are actually taken. The general lenient tone, the absence of reference to the murder of missionaries, and the justification of the proceedings of the Boxers by the misconduct of Christian converts are all dangerous factors in the case.

Nr. 12315. Grofsbritannien. 7. Juni 1900.

Nr. 12316. GROSSBRITANNIEN. — Admiral Seymour an die Admiralität. Ein Vormarsch auf Peking wird in Erwägung gezogen.

Tong-ku, June 8, 1900. (June 8.)

Nr. 12316. Grofs-britannien. 8. Juni 1900.

(Telegraphic.) || My telegram of 6th instant. || In case of a sudden march on Peking as regards command, the best course might be for me to undertake it, with Russian Colonel as Chief of the Staff. I think all or most of the foreign officers here would agree to this. Request instructions. || Rear-Admiral would be left in the command of the squadron off Pei-ho.

Nr. 12317. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Kritische Lage.

Peking, June 8, 1900. (June 9.)

Nr. 12317. Grofs-britannien. 8. Juni 1900.

(Telegraphic.) || With reference to my telegrams of the 5th and 6th instant and my two immediately preceding telegrams, I have to report that the situation is now critical. To-morrow or next day we shall meet to decide the question of a personal audience with the Empress-Dowager and the Emperor. If the demand for an audience is made it is essential, first, that it should be insisted on, and that we should compel the Chinese Government to grant it: secondly, that a definite statement should be made to the Throne, when the audience takes place, putting in plain terms the existence of so deplorable a state of things in North China owing to the Boxers not being repressed, and concluding with a strong intimation that, unless the Chinese Government immediately suppressed the Boxers and re-established law and order, the foreign Powers would be compelled themselves to take measures to that end, as the present state of things is fraught with so much danger to foreign interests.

Nr. 12318. GROSSBRITANNIEN. — Der Konsul an den Minister des Auswärtigen. Beratungen der Konsuln über die Absendung von Schutzwachen.

Tien-tsin, June 10, 1900. (June 10.)

Nr. 12318. Grofs-britannien. 10. Juni 1900.

(Telegraphic.) || At my request a meeting of Consuls and Naval Commandants was held last night to consider the urgent request of Her Majesty's Minister for the immediate arrangement for the dispatch to Peking of guards. || The Japanese, Italians, Austrians, and Americans agreed to join with us in dispatching all men available as guards for the protection of the working party which is restoring the railway and for the gradual advance for the relief of the Legations, which was to take place as the line was repaired. || The French and Russians refused to dispatch guards unless a force of at least 1500 men was sent or the line was in working order. It was suggested

that is or larger force could, if the situation was really as grave as was painted, be asked for from Port Arthur. It was agreed between us to ask the Viceroy to furnish a train, and the detachments will leave this morning, if possible, without awaiting the Russians and French.

Nr. 12318. Grofsbritannien. 10. Juni 1900.

Nr. 12319. GROSSBRITANNIEN. — Viceadmiral Seymour an die Admiralität. Bericht über seinen Marsch auf Peking.

Tien-tsin, June 12, 1900.

(Telegraphic.) || Now nearly half-way to Peking: progress much delayed be damage still being done to railway as we advance. || Boxers found in considerable force yesterday afternoon near railway at Langfang, and were engaged. They fled, leaving about thirty-five killed. || No casualties on our side. Our force, increased by 200 Russians and fifty-eight French, who arrived yesterday, is now 2000 strong.

Nr. 12319. Grofsbritannien. 12. Juni 1900.

Nr. 12320. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung mit Murawiew.

St. Petersburgh, June 12, 1900. (June 12.)

(Telegraphic.) || The latest report received from the Russian Minister at Peking, dated the 10th June, confirms the alarming account of the situation there given in Sir C. MacDonald's telegrams of the 8th instant. An audience has not apparently been granted to the foreign Ministers, the Boxers have entered the capital, and the situation is one of danger for the Legations. || In Count Mouravieff's opinion, the real state of things has been concealed from the Empress-Dowager, and, since all the Chinese Councillors having any experience of Europe have been removed, there is none in authority on whose influence it is possible to place any reliance. || Authority has been given to M. de Giers to order up immediately any amount of military force he may consider necessary; but his Excellency understands that, while a very large additional force has been sent by us from Tien-tsin, Russia has only sent up thirty more men. || I replied that, according to the latest telegrams which I had seen from Tien-tsin, all the Commanders were dispatching sufficient forces to restore railway communication with the capital and keep it open, and to secure the safety of the foreign Legations, the primary importance of which his Excellency admitted.

Nr. 12320. Grofsbritannien. 12. Juni 1900.

Nr. 12321. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die Entsatztruppe wird auf Widerstand stofsen.

Peking, June 12, 1900. (June 12.)

(Telegraphic.) || Pressing. Inform relief party the mutinous Kansu soldiery, who are to-day in possession of the Peking terminus, may offer them some resistance there. The Government of China seems powerless. It is

Nr. 12321. Grofsbritannien 12. Juni 1900.

Nr. 12321. Grofsbritannien. 12. Juni 1900.

useless to wait till troops arrive from Singapore; if necessary, I hope Admirals will not have the least hesitation in depleting their ships.

Nr. 12322. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Ermordung des japanischen Gesandtschaftssekretärs.

Peking, June 14, 1900. (June 14.)

Nr. 12322. Grofsbritannien. 14. Juni 1900.

(Telegraphic.) || I Am informed by Russian Minister that 2000 men embarked at Port Arthur for Taku on 11th June. More probably the date should be 9th June. || The Japanese Secretary of Legation was killed yesterday by Tartar cavalry close to the city gate. || It may be assumed that the Japanese will also send troops to Taku.

Nr. 12323. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. Eindringen der Boxer in Peking.

Tien-tsin, June 15, 1900. (June 15.)

Nr. 12323. Grofsbritannien. 15. Juni 1900.

(Telegraphic.) || On the evening of 13th June the Boxers entered Peking and destroyed the old Custom-house quarters and the establishments of several Missions. || It appears that many Chinese were massacred, but that there were no casualties among the Europeans.

Nr. 12324. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Konsul in Tientsin. Verstärkungen nach Taku sind unterwegs.

Foreign Office, June 16, 1900.

Nr. 12324. Grofsbritannien. 16. Juni 1900.

(Telegraphic.) || If possible, communicate with Admiral by runner. You should inform him that 950 troops have been ordered to Taku from Hong Kong. You should also ascertain his position, whether he needs reinforcements or supplies, and what his prospects are.

Nr. 12325. GROSSBRITANNIEN. — Kommodore Gaunt an die Admiralität. Admiral Seymour ist abgeschnitten.

Luu-kun-tao, June 17, 1900. (June 17.)

Nr. 12325. Grofsbritannien. 17. Juni 1900.

(Telegraphic.) || Writing on the evening of the 15th instant, the Rear-Admiral tells me that the Commander-in-chief is cut of 40 miles from Peking by Chinese troops and Boxers. If 2000 Chinese troops, which were stated to be trying to cut Tien-tsin off from Taku, advanced, the Council of Admirals have decided to shell the Taku forts. Her Majesty's ship „Phœnix" is at Chifu, and Her Majesty's ship „Peacock" is here. The telegraphic communication with the north is interrupted. || I send the above because I am in doubt as to whether you have been informed of the present situation.

Nr. 12326. **RUSSLAND.** — Der Minister des Auswärtigen an den englischen Botschafter in Petersburg. Absendung von 4000 Russen nach Peking. Friedliche Beziehungen zur chinesischen Regierung.

Saint-Pétersbourg, le 3 (16) Juin 1900. (June 18.)

Nr. 12326. Rufsland. 3. (16.) Juni 1900.

(Traduction.) || (Télégraphique.) || Dès le moment où les événements alarmants ont surgi en Chine, tous les efforts du Gouvernement ont tendu à attirer l'attention des Ministres Chinois sur les suites dangereuses que la surexcitation de la nation pourrait provoquer et à convaincre le Tsung-li Yamen d'appliquer les mesures les plus énergiques pour le rétablissement de l'ordre et de la sécurité dans le pays. Malheureusement les conseils amicaux donnés par le Représentant de la Russie ainsi que ceux des autres Puissances à Pékin ont échoué; la révolte des Boxers devient de plus en plus menaçante; la vie et la propriété des sujets étrangers se trouvent en danger; enfin, les chemins de fer étant détruits et les lignes télégraphiques coupées, les Gouvernements sont dans l'impossibilité de rester en rapports directs avec leurs Légations à Pékin. Par conséquent il est indispensable de prendre des mesures les plus efficaces afin d'assurer la sécurité de la Légation Impériale et des sujets Russes résidant dans le pays. Dans ce but Sa Majesté l'Empereur a daigné ordonner d'envoyer un contingent de 4000 soldats à la disposition du Ministre de Russie à Pékin. Le danger de l'état actuel des choses est reconnu par tout le monde; ainsi, le Représentant de la Grande-Bretagne s'est adressé à notre Légation pour se renseigner dans quelle mesure le Gouvernement Impérial était prêt à contribuer aux efforts tendant à mettre fin aux complications existantes. Quelques autres collègues de M. de Giers ont sollicité, de leur côté, l'aide et la protection de la Légation Russe pour leurs nationaux. Il est entendu que l'envoi temporaire du détachement de troupes Russes a en vue en premier lieu la sécurité de la Légation Impériale et celle des sujets Russes résidant dans le nord de la Chine et ne comporte aucune intention hostile à l'égard de ce pays avec lequel nous entretenons des rapports d'amitié et de bon voisinage. Au contraire, il est prescrit au détachement d'agir d'accord avec les troupes de descente des autres Puissances et de prêter aide, en même temps, au Gouvernement Chinois dans l'œuvre du rétablissement de la tranquillité si nécessaire aux intérêts primordiaux de la Chine elle-même.

Nr. 12327. **CHINA.** — Der chinesische Gesandte in London an den englischen Minister des Auswärtigen. Die Vicekönige von Huquang und Nanking lehnen die angebotene englische Unterstützung gegen die Boxer ab.

Nr. 12327. China. 19. Juni 1900.

The Chinese Minister has been requested by the Viceroy of Huquang to communicate to the Marquess of Salisbury the purport of a telegram which he has just received from his Excellency with reference to a communication

Nr. 12327. China. 19. Juni 1900. which Her Majesty's Consul at Hankow had been instructed to make to the Viceroy on the part of his Lordship. || The communication consisted of an offer of assistance which the Consul said Her Majesty's Government would be prepared to give to the Viceroy in preserving order and tranquillity in the provinces under his jurisdiction, in the event of the „Boxer" movement now agitating the Provinces of Chihli and Shantung extending to those on the Yang-tsze. || The Viceroy tenders his grateful acknowledgments to Lord Salisbury for his friendly offer, and will gladly avail himself of it in case of need. He, however, is persuaded that he and his colleague, the Viceroy of Nanking, with whom he has been in communication on the subject, will be more than able to cope with the „Boxers" or any other elements of disorder who, contrary to his expectations, may attempt to disturb the peace and tranquillity of the Yang-tsze provinces. || Both he and the Viceroy of Nanking have at their disposal very sufficient, well-equipped, and well-disciplined forces, on which they can implicitly depend; and these they will so dispose and employ as to give the fullest measure of protection to all residing within their respective jurisdictions, whether natives or foreigners, and of whatever religion. Under these circumstances, the Viceroy would deprecate any obtrusive demonstration of British naval force on the Yang-tsze as being calculated rather to make difficulties for the Chinese authorities than to aid them in maintaining tranquillity and good order in the riverine provinces.

Chinese Legation, June 19, 1900.

Nr. 12328. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen Graf Murawiew über die Kaiserin von China und die Lage im Centrum und Süden.

St. Petersburgh, June 20, 1900. (June 20.)

Nr. 12328. Grofsbritannien. 20. Juni 1900. (Telegraphic.) || Count Mouravieff explained to me to-day that the 4000 troops mentioned in the telegram to the Russian Embassy consist of 2000 who are understood to be already at Taku or the mouth of the river, and of the 2000 at Tien-tsin who, last week, while the other foreign troops defended the foreign Settlements, attacked and dispersed with loss the Boxers threatening that town. || For the last four days no direct news from Taku or Tien-tsin, and for seven days no knowledge of the situation at Peking or confirmation of the reported return of Admiral Seymour's expedition, have been received by the Russian Foreign Office, but Count Mouravieff takes a sanguine view of the situation, and appears to expect that not only will communication for news from Tien-tsin and probably Peking be opened up at once by the capture of the Taku forts, but that it will also exercise a salutary impression on the Empress-Dowager, who has been hesitating between her fear of the Boxers and her fear of the intervention of the foreign

Powers. || His Excellency still regards the state of things in Central and Southern China as more threatening, and believes that in a fortnight the crisis will be over.

Nr. 12328 Grofs-britannien. 20. Juni 1900.

Nr. 12329. GROSSBRITANNIEN. — Admiral Bruce an die Admiralität. Proklamation der Admirale gegen die Boxer.

Taku, viâ Chefoo, June 21, 1900.

Nr. 12329. Grofs-britannien. 21. Juni 1900.

(Telegraphic.) || No communication from Commander-in-chief for seven days or with Tien-tsin for five days. Allies hold Taku forts and Tongku securely, and they will advance for relief of Tien-tsin when in sufficient strength. Troops expected from Hong Kong to-morrow, and 300 from Wei-hai Wei day after to-morrow. || Believe that fighting is constantly going on around Tien-tsin. Our garrison there should be about 3000. || Following Proclamation was agreed to this morning, to be at once [issued]:— || „The Admirals and Senior Naval Officers of the allied Powers in China desire, to make known to all Viceroys and authorities of the coasts and rivers, cities, and provinces of China that they intend to use armed force only against Boxers and peoples who oppose them on their march to Peking for the rescue of their fellow-countrymen."

Nr. 12330. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Konsul in Kanton. Reise Li Hung-Tschangs nach Peking und Frage des Kriegszustandes mit China.

Foreign Office, June 22, 1900.

Nr. 12330. Grofs-britannien. 22. Juni 1900.

(Telegraphic.) Li Hung-Chang's departure from Canton. || The Chinese Minister, at an interview to-day, communicated to me a message which he had received from Li Hung-chang to the effect that he had received a summons to proceed to Peking in order to bring about a solution of the crisis in North China. He wished to know whether, notwithstanding the fact that the Taku forts had fired on the international forces without orders from the Government at Peking, the Powers consider themselves at war with the Chinese Government. His visit to Peking would be without utility if it were considered that a state of war existed. In the contrary event, he felt sure of being able to restore order and to suppress the Boxers. || In reply, I informed the Chinese Minister that there is no reason that it should be considered that a state of war exists if the Taku forts had fired without orders from the Government at Peking, and if the attacks on the international troops are without authority; and I strongly advised that if he could be of use in suppressing disorder, and if he could do so with safety to himself, Li Hung-chang should go to Peking, but that he must be judge as to the risk to be run in doing so.

Nr. 12331. GROSSBRITANNIEN. — Der Botschafter in Washington an den Minister des Auswärtigen. Amerikanische Verstärkungen nach Tientsin.

Washington, June 23, 1900. (June 23.)

Nr. 12331. Grofs-britannien. 23. Juni 1900.

(Telegraphic.) || The Secretary of State, to whom I communicated the substance of your telegram of the 22nd instant, informs me that in addition to a full regiment, 300 marines have been ordered from Manila to Tien-tsin, and that telegraphic inquiries are being made as to what further force can be spared. His Excellency states that the Chinese Minister here reports assurances from the Viceroys of their ability to maintain order in their provinces. || The Circular of the French Government to the Powers respecting Li Hung-chang's message has been delivered by the French Ambassador to Mr. Hay, who has replied that the United States' Government are favourable to the offer being accepted, and that, all the facts not being known, they do not think that a state of war necessarily exists.

Nr. 12332. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russische Regierung nimmt keinen Kriegszustand mit China an.

St. Petersburgh, June 24, 1900. (June 24.)

Nr. 12332. Grofs-britannien. 24. Juni 1900.

(Telegraphic.) || Under instructions from his Government yesterday, the French Ministers was to inform the Russian Government that his Government had learnt from Canton that Li Hung-chang had been summoned to Peking by the Dowager-Empress, but, before proceeding there, he had desired to be informed whether the action at Taku was regarded by the foreign Powers as constituting a state of war with the Chinese Government. The French Government desired to ascertain the view of the Russian Government on the subject. || The opinion of Count Lamsdorff was that, as it was not to be assumed that the Chinese troops were acting on instructions from the Chinese Government, but by compulsion of the Boxers, the Powers were not in a state of war with China. || I met M. de Witte yesterday, and he took the same view as that expressed on Wednesday by Count Mouravieff with regard to the situation in the north of China. The summons to Li Hung-chang he regarded as a favourable sign of the Empress' desire to arrange matters with the Powers. || He said that he expected that before any reinforcements from Europe could arrive the whole trouble would be over.

Nr. 12333. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Petersburg. Stimmt die russische Regierung einer Entsendung von 20 bis 30000 Japanern auf Peking zu?

Foreign Office, June 25, 1900.

Nr. 12333. Grofs-britannien. 25. Juni 1900.

(Telegraphic.) || I Request that you will inquire of the Russian Minister for Foreign Affairs whether his Government will give their approval to

dispatch of a Japanese force of from 20000 to 30000 men, if Japanese Government are willing to undertake it, for the restoration of order at Tien-tsin and Peking.

Nr. 12333. Grofsbritannien. 25. Juni 1900.

Nr. 12334. GROSSBRITANNIEN. — Derselbe an Denselben. Dasselbe.

Foreign Office, June 25, 1900.

(Telegraphic.) || In your conversation with the Minister for Foreign Affairs on the subject mentioned in my telegram of to-day, you may draw his Excellency's attention to the following considerations: Her Majesty's Government assume that the Russian Government will further reinforce their troops speedily, and are themselves sending some 10000 troops from India; but it is clear that these reinforcements will not arrive in time to rescue the two forces at present surrounded or the Legations at Peking.

Nr. 12334. Grofsbritannien. 25. Juni 1900.

Nr. 12335. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. Kämpfe bei Tientsin.

Tien-tsin, viâ Chefoo, June 24, 1900. (June 28.)

(Telegraphic.) || News was brought yesterday by Bigham's servant, who is quite trustworthy, of the Commander-in-chief. He was being bombarded by a large number of guns in a small arsenal called Wuku, north of Tien-tsin, which he had seized. His losses were about 40 killed and 70 wounded, and relief was urgently needed. Force to succour him leaves to-night. || Comparatively slight damage was done to the foreign Settlements, which were shelled from the 18th to the 23rd June, except in the French Concession, which suffered severely; the British Consulate was also a good deal knocked about. The British casualties up to date of relief are 4 killed and 50 wounded, among the latter being 6 officers.

Nr. 12335. Grofsbritannien. 24. Juni 1900.

Nr. 12336. RUSSLAND. — Das Ministerium des Auswärtigen an den Botschafter in London. Die russische Regierung über die Entsendung der Japaner.

Saint-Pétersbourg, le 15 (28) Juin, 1900. (June 29.)

(Traduction.) || (Télégraphique.) || Nous avons été renseignés sur l'intention du Japon de participer au rétablissement de l'ordre en Chine par Sir Charles Scott et par M. Isvolsky. Ce dernier a été muni à cet effet des instructions suivantes:— || En appréciant hautement les sentiments d'amitié qui animent le Japon, et qui ont dicté à Mr. Aoki les ouvertures qu'il vous a faites, ainsi que l'attitude parfaitement correcte de cette Puissance en vue des événements survenus en Chine, nous ne voudrions pas entraver la liberté d'action du

Nr. 12336. Rufsland. 15. (28.) Juni 1900.

Nr. 12336. Rufsland. 15. (28.) Juni 1900.

Cabinet de Tôkiô, d'autant plus qu'il est tout disposé à faire concorder cette action avec celle des autres Puissances. Qant aux intentions de la Russie, le Gouvernement Impérial les a fait connaître dans le communiqué officiel récemment publié.

Nr. 12337. GROSSBRITANNIEN. — Admiral Seymour an die Admiralität. Bericht über seine Expedition.

Chefoo, June 29, 1900. (June 29.)

Nr. 12337. Grofsbritannien. 29. Juni 1900.

(Telegraphic.) || Have returned Tient-sin with force, unable to reach Peking by rail. On the 13th June two attacks on advanced guard made by Boxers, repulsed with considerable loss to Boxers, none our side. 14th June Boxers attacked train at Langfang in large numbers with great determination, but were repelled with loss of about 100 killed. Our loss, five Italians. || Same afternoon Boxers attacked British guard left to protect Lofa Station. Reinforcements were sent back and enenmy driven off, 100 being killed — two of our seamen wounded. Guards pushed forward to Anting, engaged enemy 13th and 14th June, inflicting loss of 175 — no casualties our side. || Extensive destruction of railway in our front having made further advance by rail impossible, it was decided, 16th June, to return Yangtsun, where proposed to organize advance by river to Peking. || After my departure from Langfang two trains left to follow on were attacked 18th June by Boxers and Imperial troops from Peking, who lost 400 to 500 killed. Our casualties: six killed, 48 wounded. These trains joined me Yangtsun same evening. Railway at Yangtsun found entirely demolished, and train immovable, forces short of provisions, and hampered with wounded, forcing us to withdraw on Tien-tsin, with which there had been no communication for six days, and supplies cut off 19th June, wounded and necessaries started by boats, forces marching alongside river. || Opposition experienced during whole course of river from nearly every village, rebels when defeated in one village retiring on next, and skilfully retarding advance by occupying well-selected positions, from which they had to be forced, often at point of bayonet, in face of galling fire difficult to locate. || 23rd June made night march, arriving at daylight opposide Imperial Armoury, above Tien-tsin, where, after friendly advances, treacherous heavy fire was opened while men were exposed on opposite bank. || Enemy kept in check by rifle fire in front, while position was turned by party of marines and seamen under Major Johnstone, who rushed and occupied one of salied points, seizing a gun. || Germans lower down silenced two guns, then crossed river, capturing them. Armoury then occupied by combined forces. Determined attempt to retake it made same and following days, unsuccesful. Found immense stores of guns, arms, ammunition, latest pattern. || Several guns mounted for our defence and shelled Chinese forts lower down — having found ammunition and rice could have held out some days, but being hampered

by large number of wounded, sent to Tien-tsin so ask for relieving force, which arrived morning of 25th June. Armoury evacuated, and forces arrived Tien-tsin, 26th June. On leaving armoury destroyed it by fire.

Nr. 12337. Grofs-britannien. 29. Juni 1900.

Casualties to date:—

	Killed.	Wounded.
British	27	97
American	4	25
French	1	10
German	12	62
Italian	5	3
Japanese	2	3
Austrian	1	1
Russian	10	27

Nr. 12338. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. Vorschlag, mit der Zerstörung der kaiserlichen Mausoleen zu drohen.

Tien-tsin, viâ Chefoo, June 29, 1900. (June 29.)

(Telegraphic.) || At a Consular meeting held to-day it was unanimously agreed to make the following suggestion to our respective Governments, viz., that the Chinese Government should be informed that in case the persons of the foreign Ministers are touched, the Mausolea of the dynasty will be destroyed by the European troops. || The Commander-in-chief gave his support to this decision on the 26th instant, and it is to be communicated to all the Admirals.

Nr. 12338. Grofs-britannien. 29. Juni 1900.

Nr. 12339. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Geheimes kaiserliches Dekret an die chinesischen Vicekönige.

Shanghae, June 29, 1900. (June 30.)

(Telegraphic.) || The following has been received from a reliable source, and the language of the Viceroy Liu and the Shanghae Taotai confirms its general terms:— „The Viceroy has received through the Governor of Shantung a Secret Decree dated the 20th June. This Decree, which is very curiously worded, is considered by the Chinese as the testamentary command of a dying Government. The Governors and Viceroys are ordered to protect the provinces under their administration, and to render assistance at the same time in the critical situation of affairs at Peking. The Chinese are of opinion that its language practically gives absolute authority to the Viceroys. || „A message has been received by Li Hung-chang from Jung-lu dated the 21st June, telling him to pay no further attention to Decrees from the capital. In com-

Nr. 12339. Grofs-britannien. 29. Juni 1900.

Nr. 12339. Grofsbritannien. 29. Juni 1900.

bination with th Yang-tsze Viceroys, Li Hung-chang has agreed no longer to recognize the Peking Government. || „A copy of the Secret Decree is in my possession. The language employed is non committal, but I consider that Prince Tuan probably usurped the Imperial power about the 21st June. It is reported that Jung-lu is attempting to co-operate with the Chinese Viceroys and is opposed to him.“

Nr. 12340. GROSSBRITANNIEN. — Admiral Bruce an die Admiralität. Bericht über die Kämpfe bei Tientsin.

Viâ Chefoo, June 30, 1900.

Nr. 12340. Grofsbritannien. 30. Juni 1900.

(Telegraphic.) || The conduct of Commander Stewart, „Algerine“, and Commander Lanz, „Iltis“ (German), at bombardment Taku forts magnificent, and elicited admiration of allied ships. || River route to Tien-tsin, 51 miles from Taku, now open. Railhead now 9 miles from Tien-tsin, and road inwards not (now?) quite safe. Communication with Commander-in-chief, Tien-tsin, difficult. Force with Cradock had to fight way into Tien-tsin. Cradock also Commander storming party previously forts at Taku. Fort which commanded river 13 miles above Taku was found deserted by Lieutenant and Commander Keyes, and blown up by him, leaving passage up the river free. Keyes reports to-day arsenal Tien-tsin captured 27th June. || Naval brigade losses: Five men killed. Lieutenant Colomb, „Endymion“, slightly wounded; Gunner May and twenty-one men wounded. No further details. Warrender quite well, doing very good work, taking charge of all our forces on river and along lines of communication. || Vice-Admiral Alexieff, Governor-General of Port Arthur and Liaoting Province, Commander-in-chief of all Russian forces in the East, has just arrived on his way to Tien-tsin, taking supreme command of Russian forces. Captain Jellicoe shot through lung, doing very well.

Forces landed do date:—

	Officers	Men.
Germany	44	1 300
British	184	1 700
Austria	12	127
America	20	329
France	17	387
Italy	7	131
Japan	119	3 709
Russia	117	5 817
Total:	520	13 500

With 53 field guns, 36 machine guns.

No details yet of killed and wounded with Commander-in-chief.

Nr. 12341. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Auswärtigen. Die deutsche Regierung über die Entsendung der Japaner.

Berlin, July 1, 1900. (July 1.)

Nr. 12341. Grofsbritannien. 1. Juli 1900.

(Telegraphic.) || With reference to your Lordship's telegram of the 26th June respecting the Japanese expedition, I have the honour to state that the German Government have sent me the following reply:— || „No particulars ('modalitäten') of the proposed Japanese intervention are in their possession; they are unable to judge whether the interests of third Powers would be affected by it, or whether the responsibility of supporting it could be undertaken by Germany. || „Order can be restored in China, and the Empire's existence and the peace of the world be continued only by the maintenance of the accord which has hitherto existed among the Powers. || „Germany would therefore only take part in the steps which Her Majesty's Government have proposed, if, from the outset, she felt certain that the above-mentioned indispensable accord would not be thereby endangered." || I am sending by post to-night copy and translation of the reply of the German Government.

Nr. 12342. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. In Peking dominiert Prinz Tuan.

Shanghae, July 1, 1900. (July 1.)

Nr. 12342. Grofsbritannien. 1. Juli 1900.

(Telegraphic.) || This morning news has been received here from Peking up to the 26th ultimo; all the power is in the usurper Tuan's hands and the situation is very grave. The Empress-Dowager and the Emperor are both in Peking but powerless. Tung-fu-hsiang, the Mahommedan General with 1 5000 well-drilled Kansu men and Tuan with Manchu troops, are determined to resist foreign troops. Jung-lu beseeches foreign Powers to rescue their subjects while there is time. Viceroys and Governors of all the southern and central provinces have united to resist the usurper and ask for assurance from Powers that the war shall not spread south however bad the situation at Peking may become. I have again given them assurances that Her Majesty's Government will not land troops except in the north while the Chinese authorities continue to maintain order. News has reached Shêng from Poatingfu that German Minister has been murdered. I consider the position of foreigners in Peking extremely critical. They are said to have taken refuge at the British Legation.

Nr. 12343. **GROSSBRITANNIEN.** — Konsul in Tschifu an den Minister des Auswärtigen. Ermordung des deutschen Gesandten.

Chefoo, July 1, 1900. (July 1.)

Nr. 12343. Grofs-britannien. 1. Juli 1900.

(Telegraphic.) || On the 13th*) June the German Minister at Peking was murdered by native troops. On the 23th June there were only three Legations remaining. It is not stated which they were.

Nr. 12344. **GROSSBRITANNIEN.** — Der Botschafter in Rom an den Minister des Auswärtigen. Äufserungen Visconti Venostas.

Rome, June 28, 1900. (July 2.)

Nr. 12344. Grofs-britannien. 28 Juni 1900.

My Lord, || I asked M. Visconti-Venosta to-day what steps the Italian Government intended to take with regard to events in China. || He said that they wished to take part in any concerted action that may be taken by the Powers for the protection of Europeans, and for the re-establishment of order. They could not contribute as largely to these ends as most of the other Powers interested in the Far East, but small contingents had already been landed from the Italian ships, and had acted with the international forces. There were at present only two Italian men-of-war in Chinese waters, but another was on its way, and two more would start in a few days, and would be provided with extra crews, so as to strengthen the ships already on the station and provide men for landing parties. Another vessel would be got ready with all dispatch. So that in a short time the Italian Squadron in Chinese waters would be composed of six vessels. || It was not decided to send any soldiers at present, as it was uncertain whether they would be required, but, in the event of circumstances making it desirable that Peking or any other point should be occupied by an international force, Italy would be ready to send a contingent to take part in such occupation, and would reserve her decision as to any larger force that might be eventually required. || It was impossible at present to judge how far the movement in China was likely to spread, and what efforts might be required to cope with it. || It was the wish of the Italian Government, M. Visconti-Venosta said, to co-operate with Great Britain and the other Powers, and he would be very glad to learn whether the course which they proposed to follow met with the concurrence and sympathy of Her Majesty's Government.

I have, &c.

(Signed) Currie.

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*) Der deutsche Gesandte wurde am 20. Juni ermordet. Red.

Nr. 12345. GROSSBRITANNIEN. — Admiral Bruce an die Admiralität. 20000 Mann genügen nicht zum Vormarsch auf Peking.

Chefoo, July 1, 1900.

(Telegraphic.) || German Admiral reports Chinese runner, three days from Peking, arrived Tien-tsin yesterday; brought despatches to say all Europeans in great distress; situation desperate; hoping for relief every hour. German Minister has been murdered by Chinese regular troops, and large Chinese army advancing on Tien-tsin. Have had long conversation with Russian Governor-General. He agrees with me that, with all reinforcement expected, Russian and Japanese, it will only bring total to about 20000 men, which would enable us to hold the base from Taku, Tien-tsin, and probably Pei-ta-ho, but impossible to advance beyond Tien-tsin. 4 P.M., 30th June.

Nr. 12345. Grofsbritannien. 1. Juli 1900.

Nr. 12346. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Auswärtigen. Unterredung mit Baron von Richthofen über die Lage in Peking und die Drohung mit der Zerstörung der Ahnengräber.

Berlin July 2, 1900. (July 2.)

(Telegraphic.) || Count von Bülow left here for Wilhelmshafen in order to consult with the Emperor, upon receiving the official confirmation of the murder of the German Minister at Peking. || I was sent for this morning by Baron von Richthofen, who informed me as follows:— || The German Consul at Tien-tsin has sent a telegram, dated the 29th June, in which it is stated that a Chinese messenger had arrived from Peking that day, bringing the following message, addressed to the Commander of the international forces, which had been dispatched by the Second Secretary in the German Legation, Herr von Bergen:— || „Foreign community besieged in the Legations. Situation desperate. Hasten your coming. Sunday, 4 P.M.

(Signed) „Robert Hart."

Nr. 12346. Grofsbritannien. 2. Juli 1900.

The 24th June is assumed to be the date of the above message. || A further telegram has been received from the German Consul at Tien-tsin, stating that a second messenger, sent by a missionary, arrived on the 29th ultimo, having left Peking on the 25th. He reported that the military escorts of the Legations are suffering from want of ammunition, and he confirmed the murder of the German Minister and the burning of the majority of the Legations. || In view of the above information, and of that contained in Reuter's telegrams, the situation of all foreigners in Peking would appear to be most critical, if, indeed, they are still living. It is believed in the German Foreign Office that the foreign women and children, among them being the wife of the late German Minister, still remain in Peking. || Taking

Nr. 12346. Grofs-britannien. 2. Juli 1900. these facts into consideration, Baron von Richthofen then asked me, though he had not received any positive instructions from his Government to do so, whether Her Majesty's Government were prepared to propose any better measure, the effect of which would be immediate, than the one which the Consuls at Tien-tsin had proposed, namely, that a threat to destroy the Imperial tombs should be made, and whether to refuse a proposal which the best-informed persons on the spot had unanimously made, would not be to assume a great responsibility.

Nr. 12347. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Berlin. Antwort auf das Vorige.

Foreign Office, July 2, 1900.

Nr. 12347. Grofs-britannien. 2. Juli 1900. (Telegraphic.) || With reference to your telegram of the 2nd July respecting proposal of Consuls at Tien-tsin to threaten destruction of the Imperial Mausolea, you should inform Baron Richthofen that the proposal reaches us without any information as to the manner in which it is viewed by the Naval or Military Commanders on the spot. || We believe the Mausolea to be situated near Moukden and Hingking, in Manchuria, and it is probable that their destruction could only be effected by the dispatch of an expedition of considerable strength from Talienwan or Newchwang. The distance which would have to be covered would vary, according to the route and place of departure, from 100 to 200 miles. || We therefore feel unable to sanction a measure which would be so offensive to European opinion. || The threat appears, at first sight, very unlikely to have any effect upon mutinous soldiery or a riotous mob, and these are the factors which place the Legations in so perilous a situation.

Nr. 12348. GROSSBRITANNIEN. — Derselbe an Denselben. Vorschlag, die Pekinger Behörden für die Sicherheit der Gesandten haftbar zu machen.

Foreign Office, July 2, 1900.

Nr. 12348. Grofs-britannien. 2. Juli 1900. (Telegraphic.) || China: My telegram of to-day's date. || Ask Baron Richthofen whether the German Government would be disposed to agree that a collective declaration should be made by all the Powers that if any act of violence is committed against the Legations, all authorities at Peking, of whatever rank, will be held responsible in person and property.

Nr. 12349. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung mit dem deutschen Botschafter. Meinung Lamsdorffs.

St. Petersburgh, July 3, 1900. (July 3.)

Nr. 12349. Grofsbritannien. 3. Juli 1900.

(Telegraphic.) || China. I am informed by German Minister that the answer of his Government to your Lordship's inquiry regarding the Japanese expedition was communicated by him to Count Lamsdorff yesterday. || His Excellency said that the view held by the Russian Government was identical; in face of so grave a crisis there were objections to a mandate being given to any one Power; but they would welcome all available forces which could be sent promptly by any Power to act in accord and co-operation with the other Powers, as Japan professed to desire and intend to do. At the present moment any step which, by occasioning rivalry or jealousy, might endanger this accord, would be fatal. || German Minister said that Count Lamsdorff was far from taking the sanguine view of the situation professed by Count Mouravieff. His Excellency anticipated that an immediate march on Peking would be necessary in order to rescue the Legations and set up some orderly form of Government, and was embarrassed at not having been supplied with sufficient information by the foreign Commanders to enable him to form an opinion as to what additional force it would be necessary to send.

Nr. 12350. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Kaiserliches Dekret gegen die fremden Mächte. Haltung der Vicekönige.

Shanghae, July 3, 1900. (July 3.)

Nr. 12350. Grofsbritannien. 3. Juli 1900.

(Telegraphic.) || The following Decree from Peking has been sent to all the Viceroys and Governors in Southern and Central China. It was sent for transmission to the Superintendent of Telegraphs and all telegraph-offices on the 28th June from the Pao-ting-fu telegraph-office:— || „Whereas open war has broken out between China and the foreign Powers and the Boxer Society round Tien-tsin, and throughout Chihli, co-operating with the Imperial troops have been victorious, — we have already issued Decrees praising their bravery. These loyal people are to be found throughout the Empire, and all Governors and Viceroys, if they can raise forces from their number, can rely on them to oppose insolence of the foreigners with greatest success. The high provincial authorities shall, therefore, memorialize immediately regarding their plans of campaign. The Viceroys of the Yang-tsze and coast provinces are hereby commanded to use their most strenuous endeavours to put these instructions into effect." || We are informed by the Viceroys and Governors that they consider Prince Tuan as a rebel, and have decided not to obey Decrees from Peking. Decrees will probably soon be issued degrading the Viceroys,

Nr. 12350. Grofsbritannien. 3. Juli 1899.

and troops will be sent to support the Viceroys appointed by Prince Tuan. Civil war would in consequence break out throughout the country, and a strong force should be in readiness here to support the loyal Viceroys. || The feeling of unrest among the Chinese is decidedly increasing, and I think that it will be necessary before long to withdraw the foreign communities from some of the small ports. I hear that the Hang-chow Governor intends to obey the orders contained in the above Decree. Thousands of Chinese have left here in consequence of the Decree, which they consider certain to stir up mischief.

Nr. 12351. CHINA. — Vicekönige an den Gesandten in London. Sie sorgen für die Sicherheit in ihren Provinzen.

Nanking, July 3, 1900. (July 4.)

Nr. 12251. China. 3. Juli 1900.

(Telegraphic.) || We, the Viceroys of the Liang Kiang and Liang Hu Provinces, undertake to hold ourselves responsible for the security of foreign life and property within our respective jurisdictions, as well as in the Province of Chekiang, so long as the Treaty Powers do not land troops in either the Yang-tsze Valley or the Province of Chekiang.

(Signed) Lieu Kun Yih.
Chang Chitung.

Nr. 12352. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Auswärtigen. Die französische Regierung schlägt vor die Pekinger Behörden haftbar zu machen.

Paris, July 4, 1900. (July 4.)

Nr. 12352. Grofsbritannien. 4. Juli 1900.

(Telegraphic.) || I am informed by M. Delcassé that instructions have been sent to-day to the French Representatives to make the following proposal to the Governments of the various Powers interested: that they should publish a collective or identic warning addressed to the de facto Government or authorities at Peking, by which they declare that they will hold these responsible personally for the safety and lives of the whole European community in the city. || His Excellency expressed the opinion that such a warning would, it might be conjectured, reach Peking in some way or another, while it would serve, on the other hand, to demonstrate the solidarity of the accord existing between the Powers in the eyes of Europe and of the world at large. || It is essential, his Excellency added, that unity of action and unity of direction on the spot should not be hindered by any afterthought or jealousy, as the delivrance of the Europeans who are in Peking was for the moment the object which must be most urgently aimed at, and that there should be no want of concentration which would have the effect of weakening still

further the efficiency of the collective European forces, too inconsiderable already. || He said he felt it was unnecessary to assure me that he had personally at this moment no other thought — and the same, he was sure, was the case with his colleagues — than the rescue, if that were still possible, of those who are in danger. || He hoped the Japanese Government would at once dispatch the mobilized division which it was said was available.

Nr. 12352. Grofsbritannien. 4. Juli 1900.

Nr. 12353. GROSSBRITANNIEN. — Der Gesandte in Japan an den Minister des Auswärtigen. Zum Vormarsch auf Peking sind 70000 Mann erforderlich.

Tokio, July 4, 1900. (July 4.)

(Telegraphic.) || I communicated yesterday to Viscount Aoki the substance of your telegrams of the 2nd instant. He promised that he would immediately submit these to the Prime Minister. He said, however, that, in his opinion, it was not possible to relieve the Legations, as the approach of a foreign army would be the signal for a massacre. He had attempted to communicate with the Chinese Government, if such a thing exists, by means of the southern Viceroys, but they are also out of touch with the capital. His Excellency considers that 70000 men at least would be necessary for a military expedition to Peking, as at this season the difficulties are very great.

Nr. 12353. Grofsbritannien. 4. Juli 1900.

Nr. 12354. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Die Gesandtschaften sind durch mehr als 100000 Mann belagert.

Shanghae, July 4, 1900. (July 4.)

(Telegraphic.) || Sheng Taotai has received following from Yuan Shih Kai:— || „A messenger has reached here who started on the 27th June from Peking. He stated that the two Legations were being attacked by rioters and soldiers, over 100000 in number, who had surrounded them, but had not yet succeeded in breaking through their defence. The Boxer Society has been joined by those connected with the Palace inside, as well as outside of it, even to the Princes. || „The city gates are half-opened daily during half the day, and every one is worshipping the god of Boxers."

Nr. 12354. Grofsbritannien. 4. Juli 1900.

Nr. 12355. GROSSBRITANNIEN. — Viceadmiral Seymour an die Admiralität. 40000 Mann sind zum Vormarsch auf Peking erforderlich.

Tien-tsin, July 2, viâ Chefoo, July 4, 1900. (July 5.)

(Telegraphic.) || At the Council to-day it was decided to attack remaining arsenal and the city 3rd July. Courier from Peking reports having passed on 1st July from 8000 to 10000 Chinese troops marching towards Tien-tsin

Nr. 12355. Grofsbritannien. 4. Juli 1900.

Nr. 12355. Grofsbritannien. 4. Juli 1900.

about 28 miles distant. Have been forced to conclusion that quite 40 000 troops will be required for advance on Peking and to keep communications.|| Forces now in Tien-tsin: — American, 218; British, 1940; French, 840; German, 650; Japanese, 1095; Russian, 4480. Total, 9223.

Nr. 12356. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Auswärtigen. Ansicht der deutschen Regierung über Nr. 12348.

Berlin, July 5, 1900. (July 5.)

Nr. 12356. Grofsbritannien. 5. Juli 1900.

(Telegraphic.) || I have received your Lordship's telegrams of the 2nd instant with reference to the proposal of Her Majesty's Government for a declaration by which all the authorities at Peking should be made responsible for the safety of the foreigners there. || In the opinion of the German Government, no means, with any chance of success, should be left untried for saving the foreigners in Peking, and, although they do not count on any distinct result, they are quite prepared to join in the collective declaration proposed, and to send instructions accordingly to the German Consul at Tien-tsin. || The above step, they appear to think, could have been taken in addition to the step which was proposed by the Consuls at Tien-tsin, if the Powers had approved that proposal. It was urged by the Consuls that the effect on the rioters would have been salutary, especially as the Prince, who is their principal leader, belongs to the very dynasty, whose tombs were to be threatened. || The German Consul also describes the tombs as being situated near to Peking — probably not in Manchuria, but the so-called „Eastern" tombs at Malamyu, on this side of the Great Wall.

Nr. 12357. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Generalkonsul in Schanghai. Verantwortlichkeit der Pekinger Behörden für die Legationen.

Foreign Office, July 5, 1900.

Nr. 12357. Grofsbritannien. 5. Juli 1900.

(Telegraphic.) || Inform all the Viceroys, and any other Chinese authorities who, in your opinion, ought to know, that I have made the following communication to the Chinese Minister: — || „The Chinese Minister is requested by Her Majesty's Government to transmit, by telegraph, in such manner as will insure the message reaching the Government at Peking, notice that they will be held to be personally guilty if the members of the European Legations, and other foreigners in Peking, suffer injury."

Nr. 12358. **GROSSBRITANNIEN.** — Der Gesandte in Japan an den Minister des Auswärtigen. Ansicht der japan. Regierung über die Unruhen im Norden.

Tokio, July 5, 1900. (July 6.)

Nr. 12358. Grofsbritannien. 5. Juli 1900.

(Telegraphic.) || With reference to my telegram of yesterday, a Memorandum, which is briefly as follows, was left by the Japanese Minister of Foreign Affairs with me last night: — || „Japanese Government consider troubles in north of China much more deeprooted and of far wider bearings than might appear. While prepared to take full share in concerted action, they realize that expedition to Peking is extremely difficult and will require a very large force. In view of this they think it highly advisable that Powers concerned should now exchange views as to joint measures to be taken to meet eventualities." || The Japanese Minister for Foreign Affairs is, I believe, sending this to all the Governments concerned. No suggestion was made by his Excellency as to what these joint measures should be, but I understand that he means that his Government will send a large military expedition if, by previous agreement among the Powers, they are assured that Japan will be protected from complications, and will be reasonably indemnified for outlay of money and men. The Japanese Government are dispatching about 2500 men at once, in addition to those already sent, in order to assist in holding Taku and Tien-tsin.

Nr. 12359. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Verschlimmerung der Lage.

Shanghae, July 5, 1900. (July 6.)

Nr. 12359. Grofsbritannien. 5. Juli 1900.

(Telegraphic.) || All Consuls here are sending following to-day to their Governments: — || „Situation very grave. Boxer movement growing, and should the allied forces at Tien-tsin fail to check it it will extend down to the centre and south of China and become a national movement, resulting in expulsion or murder of all foreigners in interior and total ruin to foreign trade. || „In view of this it is necessary that a force should be sent to check the advance and support Viceroys in keeping order."

Nr. 12360. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an den Gesandten in Japan. England will eine japanische Expedition zur Rettung der Gesandtschaften finanziell unterstützen.

Foreign Office, July 6, 1900.

Nr. 12360. Grofsbritannien. 6. Juli 1900.

(Telegraphic.) || Japan is the only Power which can act with any hope of success for the urgent purpose of saving the Legations, and, if they delay, heavy responsibility must rest with them. We are prepared to furnish any

Nr. 12360. Grofsbritannien. 5. Juli 1900.

financial assistance which is necessary in addition to our forces already on the spot. || Her Majesty's Government wish to draw a sharp distinction between immediate operations which may be still in time to save the Legations and any ulterior operations which may be undertaken. We may leave to future consideration all questions as to the latter.

Nr. 12361. GROSSBRITANNIEN. — Der Gesandte in Japan an den Minister des Auswärtigen. Japan verstärkt seine Truppen.

Tokio, July 6, 1900. (July 6.)

Nr. 12361. Grofsbritannien. 6. Juli 1900.

(Telegraphic.) || With reference to your telegram of the 4th July, I have just received a visit from the Japanese Minister for Foreign Affairs, who informs me that reinforcements to make up the Japanese force to 20 000 men will be sent as rapidly as possible.

Nr. 12362. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Einzelheiten über die Boxer und die chinesische Regierung. Verhandlungen mit dem Tsung-li Yamen. Bischof Favier.

Peking, May 21, 1900. (July 9.)

Nr. 12362. Grofsbritannien. 21. Mai 1900.

My Lord. || In my despatch of the 16th April I had to report to your Lordship that in spite of the commencement of a firmer attitude on the part of the Chinese Government towards the anti-Christian movement in North China, there still existed indications of danger in this neighbourhood from the „Boxer" Society. || The long-continued impunity accorded to this organization, and the supineness and procrastination which the Government had displayed in face of the constantly repeated representations of the foreign Ministers ever since the month of January, undoubtedly rendered the task of the Chinese authorities, when at last forced to awaken to the danger of the situation, much more difficult than it would have been if taken in hand at an earlier date. The result wat that the activity of the „Boxers" showed no signs of diminution; reports of depredations in country districts indicated that armed bands of them were approaching daily nearer to Peking; while in the city itself the frequent spectacle of numbers of young lads practising in a kind of hypnotic frenzy, the peculiar gymnastic evolutions inculcated by the craft, and the appearance of numerous virulent anti-foreign placards posted in conspicuous places, combined to create considerable alarm amongst the native Christians of all denominations, a feeling which they were not slow in trying to communicate to their foreign spiritual directors. || I take this opportunity of inclosing a translation of one of these placards as a specimen of the silly superstitions which the leaders of this movement work on to further their

Nr. 12362. Grofs-britannien. 21. Mai 1900.

designs. Several similar documents have been forwarded of this Legation, most of them less literary in composition, and containing more scurrilous abuse of foreigners, but all having for their theme the necessity of putting all foreigners to death. I have called the attention of the Yamên more than once to the posting of such placards, and have been assured that steps were being taken to put a stop to this dangerous practice. || The inclosed copy of a despatch from Her Majesty's Consul at Tien-tsin dated the 2nd May shows the elements of danger that exist in the north of the province generally.

On the 18th instant I received news through the London Mission of the destruction by „Boxers“ of one of their chapels about 40 miles south-east of Peking, and the murder of a native preacher. I at once wrote to the Yamên — copy of letter inclosed — informing them of this outrage, and urging the necessity of strenuous measures to avoid further disturbances. I also called the same day at the Yamên to ask what steps were being taken, and to lay special stress upon the necessity of protecting outlying country districts. || The Ministers present admitted that the Chinese Government hat now come to regard the situation as serious. A Decree had been issued the day before calling on the Governor of Peking, the police censors, and the Peking Gendarmerie to concert measures for the immediate suppression of the movement, and to report within a few days what steps had been taken. As regards the country districts, the Viceroy of Chihli had been given special instructions to put down the „Boxers“ rigorously. They discussed frankly the practical difficulties wich had to be surmounted, but they assured me most solemnly for the information of Her Majesty's Government, that these difficulties would be surmounted, and that this Society could not fail to be suppressed within a short time. || The tone and temper of the Ministers, even more than their words, gave me the impression of a distinct change for the better in their attitude, and I was encouraged to find that in this respect, at least, my efforts and those of my colleagues during the past six months had not been fruitless.

The next day, 19th May, the Spanish Minister, as doyen of the Diplomatic Body, circulated the letter from the French Minister, and its inclosure, of which I have the honour to forward copies herewith, and called a meeting of the foreign Representatives for the following day to discuss their contents. || Your Lordship will observe that, in Mgr. Favier's letter to M. Pichon, the situation at Peking is painted in very dark colours. The Bishop declares that the conditions now are precisely similar to those preceding the Tien-tsin massacre of 1870, and asks that a guard of marines should be sent to protect the lives of French missionaries. || At the meeting of the Diplomatic Body which took place, accordingly, yesterday, the French Minister showed that he was profoundly impressed by the apprehensions of Mgr. Favier, and by reports which he had received from other sources. He expressed complete disbelief

Nr. 12362. Grofsbritannien. 21. Mai 1900.

in the genuineness of the measures of which the Yamên hat spoken to me, and declared that it was impossible to exaggerate the danger of the outlook. || Mgr. Favier has lived in Peking for over thirty years, and is in constant touch with Chinese of all classes, so that it was generally felt that, after making all due allowances for the colour which might have been lent to his words by the fears of his converts, his deliberately expressed opinion on the situation could not be treated with indifference. At the same time, we did not consider that the circumstances, so far as we were as yet in a position to judge, were such as to justify the bringing up of Legation Guards, and M. Pichon did not insist upon the immediate necessity for such a step. He produced the draft of a joint note which he proposed the doyen should be authorized to address to the Tsung-li Yamên, in which certain specific measures for the suppression of the „Boxers“ were demanded, and, after some discussion, the terms of this note were accepted by the meeting. || It was sent in to the Yamên to-day, and I have the honour to inclose a copy herewith. || The German Minister laid stress at the meeting on the importance of deciding on some common action if the Yamên did not return a satisfactory reply to the note, or if the Chinese Government failed to carry out the measures demanded by the foreign Representatives. He considered that in such an event the calling up of guards was not sufficient to bring the Chinese Government to a sense of their obligations. He thought that the most effective means of bringing pressure on the Government would be by a concentration of ships of war near Shanhaikuan, from which parties could be landed, if necessary, to march for the protection of foreigners in Peking. || This proposal was supported by the majority of the Representatives, and it was decided that we should recommend it to our respective Governments as a contingent measure. || In concurring in this decision, I was largely guided by the fact that the joint note demands little more than the Chinese Government have already professed to be their principle in dealing with the disturbances, and that I, therefore, see no reason to anticipate an unfavourable answer. || I had the honour to report to your Lordship by telegraph to-day the substance of what passed at yesterday's meeting. || As regards my own opinion as to the danger to which Europeans in Peking are exposed, I confess that little has come to my own knowledge to confirm the gloomy anticipations of the French Fathers. The demeanour of the inhabitants of the city continues to be quiet and civil towards foreigners, as far as my experience and that of my staff is concerned, although, from the undoubted panic which exists amongst the native Christians, it may be assumed that the latter are being subjected to threats of violence. I am convinced that a few days' heavy rainfall, to terminate the long-continued drought which has helped largely to excite unrest in the country districts, would do more to restore tranquillity than any measures which either the Chinese Government or foreign Governments could take. As this cannot be counted upon, my judgment as to the probability of continued security must be suspended until

the Chinese Government shows by its action within the next few days, whether or not it has the will and the power to do its duty.

Claude M. MacDonald.

Anlage 1.

Placard posted in West City, Peking.

(Translation.) || In a certain street in Peking some worshippers of the I-ho Ch'üan („Boxers") at midnight suddenly saw a spirit descend in their midst. The spirit was silent for a long time, and all the congregation fell upon their knees and prayed. Then a terrible voice was heard saying:— || „I am none other than the Great Yü Ti (God of the unseen world) come down in person. Well knowing that ye are all of devout mind, I have just now descended to make known to you that these are times of trouble in the world, and that it is impossible to set aside the decrees of fate. Disturbances are to be dreaded from the foreign devils; every-where they are starting Missions, erecting telegraphs, and building railways; they do not believe in the sacred doctrine, and they speak evil of the Gods. Their sins are numberless as the hairs of the head. Therefore am I wrath, and my thunders have pealed forth. By night and by day have I thought of these things. Should I command my Generals to come down to earth, even they would not have strength to change the course of fate. For this reason I have given forth my decree that I shall descend to earth at the head of all the saints and spirits, and that wherever the I-ho Ch'üan are gathered together, there shall the Gods be in the midst of them. I have also to made known to all the righteous in the three worlds that they must be of one mind, and all practice the cult of the I-ho Ch'üan, that so the wrath of heaven may be appeased. || „So soon as the practice of the I-ho Ch'üan has been brought to perfection— wait for three times three or nine times nine, nine times nine or three times three — then shall the devils meet their doom. The will of heaven is that the telegraph wires be first cut, then the railways torn up, and then shall the foreign devils be decapitated. In that day shall the hour of their calamities come. The time for rain to fall is yet afar off, and all on account of the devils. || „I hereby make known these commands to all you righteous folk, that ye may strive with one accord to exterminate all foreign devils, and so turn aside the wrath of heaven. This shall be accounted unto you for well doing; and on the day when it is done, the wind and rain shall be according to your desire. || „Therefore I expressly command you make this known in every place." || This I saw with my own eyes, and therefore I make bold to take my pen and write what happened. They who believe it shall have merit; they who do not believe it shall have guilt. The wrath of the spirit was because of the destruction of the Temple of Yü Ti. He sees that the men of the

Nr. 12362. Grofsbritannien. 21. Mai 1900.

I-ho Ch'üan are devout whorshippers and pray to him. || If my tidings are false, may I be destroyed by the five thunderbolts.

4th moon, 1st day (April 29, 1900).

Anlage 2.

Consul Carles an Sir C. MacDonald.

Tien-tsin, May 2, 1900.

Sir, || I have the honour to report that the measures taken by the authorities in this neighbourhood to repress the activity of the „Boxers" have produced some result, though placards of an offensive character are still widely distributed. || At Yung Ching the author of some placards attacking the English Mission there had to apologise to the Rev. Mr. Norman, and the hostility of the people since then has apparently died away. || The Magistrate at Tung-an-hsien, who has done his utmost to repress the „Boxers", had issued a reward for the arrest of the leaders and information as to their lodges, when instructions received by him, as it was reported, from the Empress Dowager, but which probably were those contained in the recent Edict, led to the sudden withdrawal of the rewards posted, and to an immediate display of hostility by the people in the town towards native Christians of so marked a character that Mr. Grant, a missionary residing there, withdrew his family at once. || The Viceroy, on my representing the matter to him, sent soldiers there, and within a few days an improvement was manifested. || The worst placards I have seen emanate from Ta-ching-hsien. I communicated them to the Viceroy, and his Excellency at once issued orders for their suppression, and the punishment of their authors, if possible. || M. du Chaylard informed me on the 22nd April last that he had received a telegram from Pao-ting, stating that the Christians of the environs of Lung-lu had been killed in great numbers in the village of Chiang-chia-chuang on the previous day. || Two days later he told me that the affray had, it was true, been of a serious character, but that only one Christian had lost his life, and that seventy „Boxers" had been killed. He also informed me that, acting on his advice, the Roman Catholic priests had placed fire-arms in the hands of their converts. The only further details regarding this affair which have reached me came from Pao-ting-fu, and were to the effect that 1100 „Boxers" had been threatening the place, and that a collision occurred between them and the Roman Catholics, with the result mentioned by th French Consul-General. || I am sorry to have to qualify my report as to the improvement by adding that in the north and north-east of the province considerable uneasiness seems to exist. Brigandage in the country between Chao-yang and Chin-chou has broken out again, and in the neighbourhood of Jehol Ping-ch-'üan, and Ta-tzu-k'ou: the „Chin Tan" and „Tsai Li" Societies are said to be preparing to revenge themselves for the punishment inflicted on the latter Society in 1891. W. R. Carles.

Anlage 3.

Sir C. MacDonald an das Tsung-li Yamen.

Peking, May 18, 1900.

Nr. 12362. Grofsbritannien. 21. Mai 1900.

MM. les Ministres, || I have just heard that at a place called Kung Ts'un, south of Ku-an and Chochou, a chapel belonging to the London Mission has been destroyed by „Boxers", and that a native preacher, named Chao Ting-chün, has been killed after barbarous treatment. || I also hear that at Wu-ch'ing, Fangshan, and other districts to the south of Peking, the people are in a state of dangerous unrest owing to the activity of this lawless organization, and that threats are openly made to attack Mission stations and put converts to death. || I have the honour to remind your Highness and your Excellencies that for the last six months I have unceasingly, both by written communications and personal interviews, striven to awake the Chinese Government to the extreme danger involved by their continued failure to take adequate measures for the complete suppression of the „I-ho-chüan" and the „Ta-tao-hui". My representations have been invariably met by assurances that the dangers I apprehended were exaggerated, and that the Chinese Government were doing all that was necessary in the interests of peace. || Now that riotous attacks on foreign Missions are taking place within a few miles of the capital, I trust that your Highness and your Excellencies will at last cease to treat my representations with the apathy which has hitherto characterized the attitude of the Yamên, and it is in this hope that I hasten to bring to your notice this latest lamentable outrage, of which I have as yet received no detailed particulars. Claude M. MacDonald.

Anlage 4.

M. Pichon an M. de Cologan.

Légation de France à Pékin, le 19 Mai, 1900.

M. le Doyen et cher Collègue, || J'ai l'honneur de vous prier de vouloir bien communiquer à nos collègues la lettre ci-incluse qui vient de me parvenir. En présence des informations qu'elle soutient, et qui confirment celles qui me viennent de toutes parts; en présence aussi de l'impossibilité d'obtenir du Gouvernement Chinois par une action isolée les mesures nécessaires pour assurer la sécurité des étrangers dans le Tche-ly et à Pékin, j'ai l'honneur de vous prier de vouloir bien convoquer d'urgence une réunion du Corps Diplomatique dans le but de délibérer sur la situation. (Signé) S. Pichon.

Anlage 5.

Père Favier an M. Pichon.

Vicariat Apostolique de Pékin et Tche-ly Nord,
Pékin, le 19 Mai, 1900.

M. le Ministre. || De jour en jour la situation devient plus grave et plus menaçante. Dans la Préfecture de Paoting-fu, plus de soixante-dix Chrétiens ont été massacrés; trois autres néophytes ont été coupés en morceaux. Plu-

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sieurs villages ont été pillés et livrés aux flammes; un plus grand nombre d'autres ont été complètement abandonnés. Plus de 2000 Chrétiens sont en fuite, sans pain, sans vêtements et sans abri; à Pékin seulement, environ 400 réfugiés, hommes, femmes et enfants, sont déjà logés chez nous et chez les sœurs; avant huit jours nous en aurons probablement plusieurs milliers; nous allons être obligés de licencier les écoles, les collèges et tous les hôpitaux pour faire place à ces malheureux. || Du côté l'est le pillage et l'incendie sont imminents; nous recevons à chaque heure les nouvelles les plus alarmantes. Peking est cerné de tous côtés; les Boxeurs se rapprochent chaque jour de la capitale, retardés seulement par l'anéantissement qu'ils font des Chretientés. Croyez-moi, je vous prie, M. le Ministre, je suis bien informé et je n'avance rien à légère. La persécution religieuse n'est qu'un rideau; le but principal est l'extermination des Européens, but qui est clairement indiqué et écrit sur les étendards des Boxeurs. Leurs affiliés les attendent à Pékin; on doit commencer par l'attaque des églises et finir par celle des Légations. Pour nous, ici au Pei-t'ang, le jour est même fixé; toute la ville le connaît, tout le monde en parle, et l'effervescence populaire est manifeste. Hier soir encore, quarante-trois pauvres femmes avec leurs enfants, fuyant le massacre, sont arrivées chez les sœurs; plus de 500 personnes les accompagnaient, en leur disant que, si elles ont échappés une fois, celles y passeront bientôt ici avec les autres. || Je ne vous parle pas, M. le Ministre, des placards sans nombre qui sont affichés dans la ville contre les Européens en général; chaque jour il en paraît de nouveaux, plus clairs les uns que les autres. || Les personnes qui ont assisté, il y a trente ans, aux massacres de Tien-tsin, sont frappées de la ressemblance de la situation d'alors avec celle d'aujourd'hui; mêmes placards, mêmes menaces, mêmes avertissements, et même aveuglement. Alors aussi, comme aujourd'hui, les missionaires ont écrit, supplié, prévoyant l'horrible réveil. || Dans ces circonstances, M. le Ministre, je crois de mon devoir de vous prier de vouloir bien nous envoyer, au moins au Pei-t'ang, quarante ou cinquante marins pour protéger nos personnes et nos biens. Cela s'est fait déjà dans des circonstances beaucoup moins critiques; et j'espère que vous prendrez en considération mon humble supplique.

Alph. Favier, *Ev. Vic. Ap. de Pékin.*
———, *Ev. Coadjuteur.*
C. M. Guillaume, *Vic. Gén.*

Anlage 6.

M. de Cologan an das Tsung-li Yamen.

Pékin, le 21 Mai, 1900.

J'ai l'honneur de communiquer à votre Altesse et à vos Excellences le texte d'une résolution prise hier par les Représentants des Puissances étrangères accrédités à Pékin: — || „Le Corps Diplomatique, s'appuyant sur les

Décrets Impériaux déjà rendus qui ont édicté la dissolution des Boxeurs, réclame: — || „1. L'arrestation de tout individu se livrant aux exercices de cette association, provoquant des troubles sur la voie publique, affichant, imprimant ou distribuant des placards qui contiendraient des menaces contre les étrangers; || „2. L'arrestation des propriétaires et gardiens de temples ou autres endroits où les Boxeurs se réuniraient, et l'assimilation aux Boxeurs eux-mêmes de ces complices de provocations criminelles. || „3. Le chatîment des agents de la force publique qui se rendraient coupables de négligence dans la repression dont ils seront chargés ou qui seraient de connivance avec les émeutiers; || „4. L'exécution des auteurs d'attentats (meurtre, incendie, &c.) contre les personnes ou les propriétés; || „5. L'exécution des individus qui subventionnent et dirigent les Boxeurs dans les troubles actuels. || „6. La publication dans Pékin, dans le Tche-ly, et les autres provinces du nord, portant ces mesures à la connaissance de la population."

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Je suis en outre chargé par le Corps Diplomatique d'informer votre Altesse et vos Excellences qu'il attend dans le plus bref délai une réponse satisfaisante à cette demande. B. J. De Cologan.

Nr. 12363. **GROSSBRITANNIEN.** — Der Gesandte in Peking an den Minister des Auswärtigen. Weitere Verhandlungen mit dem Tsung-li Yamen.

Peking, May 28, 1900. (July 9.)

My Lord, || In continuation of my despatch of the 21st instant, I have the honour to forward to your Lordship herewith a translation of the Yamên's reply to the doyen's note of that date, on the subject of the Boxer disturbances. || The Yamên's note as it stands cannot, as your Lordship will perceive, be considered a satisfactory reply to the demands made by the foreign Representatives for specific measures of suppression. It alludes to the Edict, of which the Ministers had already informed me at my interview of the 18th instant, without mentioning what the terms of the Edict were, and it states vaguely that the measures contemplated for the suppression of the Boxers are on the lines of those suggested by the Diplomatic Body, without indicating what is actually being done. || I had, accordingly, the honour to telegraph to your Lordship on the 25th instant to the effect that the Yamên's reply seemed to me most unlikely to be accepted as satisfactory, but that I was awaiting the opinion of my colleagues thereon. || The note in question having been circulated to the foreign Representatives a meeting was summoned by the doyen on the evening of the 26th instant to consider the situation. || The French Minister began by expressing in forcible terms his opinion of the unsatisfactory nature of the Yamên's reply, and proceeded to describe the results of his investigation into the causes of the alarm that existed in the Roman Catholic Missions. He said that all his information

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proved that this alarm was amply justified. At Mission stations, both outside and inside the city, where soldiers had been sent ostensibly to protect the Missions, the soldiers were fraternizing with the Boxers, and helping to terrorize the Christians, alleging that the real object of their arrival was to prevent the latter from escaping before the time fixed for their massacre. In the city the Proclamations, which had been posted by the authorities, were being torn down by the populace amidst angry maledictions against the Government for daring to denounce so patriotic a body as the „Fist" Society; and priests and converts alike were everywhere received with menaces and abuse. So audacious had the Boxers become that they actually lighted fires in the streets as signals for assembly. M. Pichon stated his conviction that there was grave danger of a very serious outbreak, and that protection was urgently required for all Europeans in Peking. If the Chinese Government failed to adopt immediate and effective measures, the foreign Representatives ought to bring up Legation guards in sufficient numbers to prevent the possibility of a rising. || The Italian Minister confirmed from his own experiences many of the facts adduced by M. Pichon, and also expressed the opinion that the Yamên's reply was most unsatisfactory. || M. de Giers, the Russian Minister agreed with his colleagues as to the unsatisfactory nature of the Yamên note, but said he had reason to believe that it did not adequately represent the intentions of the Chinese Government, who were genuinely determined to take effective measures. He could not believe that the danger was so imminent as the French Minister described it. He admitted, however, that the latter had sources of information which put him in a better position than his colleagues for judging of the situation, and he felt, as we all did, that it was, therefore, impossible to disregard the views expressed by M. Pichon.

During the discussion, that followed the German Minister, Baron von Ketteler declared that it was utterly useless either to expect the Chinese Government to do anything effective, or to take any action ourselves, such as bringing up guards, based on the belief that that Government could remain stable, or on the desire to assist in propping up its crumbling structure. || It was eventually decided that the doyen should address a note to the Tsung-li Yamên, and send it in the same evening, demanding that the terms of the Edict which they had mentioned should be communicated to the foreign Representatives, and that a categorical statement should be furnished of the measures taken for the suppression of the anti-foreign movement. || Both the Russian Minister and myself had appointments to meet Prince Ch'ing at the Yamên next day on business connected with the Boxers, and our colleagues requested and authorized each of us to lay the views of the whole Diplomatic Body before the Prince, and to press for a favourable reply. We were to meet our colleagues again in the evening after our interviews, and it was resolved that if by that time the Yamên had not answered satisfactorily,

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Legation guards should be sent for without further delay. || I had the honour to telegraph to your Lordship yesterday the substance of what passed at the meeting. || At my interview yesterday with Prince Ch'ing and the Ministers of the Yamên, which took place immediately before that of M. de Giers, I accordingly delivered the message with which I was charged. I found it unnecessary to lay stress on the dangers of the situation, as it was evident that the Ministers had already heard the worst that could be said on the subject, and the Prince at once interrupted me to express the lively concern with which the Throne regarded the recent manifestations of the Boxer's activity. It was apparent that unrest and dissatisfaction was being excited not only against foreigners and native Christians, but against the Chinese Government also. The strictest instructions had been given to the Viceroy of Chihli to arrest and punish the ringleaders and disperse their dupes. Inside the city, also, all possible measures were being taken, and his Highness, as Commander of the Peking field force, said he was willing personally to undertake the protection of all foreigners. || Another Yamên Minister, Ch'ung Li, who is at the head of the Peking gendarmerie, described the investigations he had himself made in his capacity as a „local authority", and the measures he had taken in the obedience to the Imperial Edict. || I was requested to convey the above assurances to my colleagues, and to say, with regard to the joint note, that a despatch was now being prepared communicating the terms of the Imperial Edict already referred to, and stating in full detail the various measures which were being adopted to maintain order. If these measures did not prove efficacious, further steps would be taken and communicated in a supplementary despatch. || Speaking as a personal friend of Prince Ch'ing's, I warned his Highness that, rightly or wrongly, the Representatives of all the Powers viewed the situation as extremely serious, and were reporting to their Governments accordingly. If they could not obtain from the Chinese Government the protection they sought, their means of self-protection would take the form of bringing up Legation guards. Whether these should be sent for or not would probably be decided that same afternoon, and, if they were sent for, they would no doubt come in much larger numbers than before. || I said this with a lively recollection of the desperate efforts made by Prince Ch'ing eighteen months ago to prevent the arrival of the guards, and I was somewhat surprised at the calmness with which he received the suggestion which, he said, had already been made to him. It may possibly be that the Chinese Government, now awake to the strength of the Boxer movement, would be disposed to welcome the additional security afforded by the presence of foreign troops. The Prince only reiterated his assurances that the Legations could count on receiving all the protection due from host to guests, and again laid stress on the fact that the Boxers were the enemies of the country. || At the meeting of the foreign Representatives which subsequently took place it was decided, in view of the Yamên's assurances to

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wait another day for the receipt of the promised despatch, and to delay till this evening any decision with respect to the Legation guards.

Claude M. MacDonald.

Nr. 12364. CHINA. — Der Kaiser an die Königin von England. Der Handel mufs von den Irrungen leiden.

Peking, July 3, 1900.

Nr. 12364. China. 3. Juli 1900.

(Translation.) || (Telegraphic.) || The Emperor of China to Her Majesty the Queen of England, Empress of India, sendeth Greetings: || Since the opening of commercial intercourse between foreign nations and China, the aspirations of Great Britain have always been after commercial extension, and not territorial aggrandizement. || Recently, dissensions having arisen between the Christians and the people of Chihli and Shantung, certain evilly-disposed persons availed themselves of the occasion to make disturbances, and these having extended so rapidly, the Treaty Powers, suspecting that the rioters might have been encouraged by the Imperial Government, attacked and captured the Taku forts. The sufferings arising from this act of hostility have been great, and the situation has been much involved. || In consideration of the facts that of the foreign commerce of China more than 70 per cent. belongs to England, that the Chinese Tariff is lower than that of any other country, and that the restrictions on it are fewer. British merchants have during the last few decades maintained relations with Chinese merchants at the ports as harmonious as if they had both been members of the same family. But now complications have arisen, mutual distrust has been engendered, and the situation having thus changed for the worse, it is felt that, if China cannot be supported in maintaining her position, foreign nations, looking on so large and populous a country, so rich in natural resources, might be tempted to exploit or despoil it; and, perhaps, differ amongst themselves with respect to their conflicting interests. || It is evident that this would create a state of matters which would not be advantageous to Great Britain, a country which views commerce as her greatest interest. || China is now engaged in raising men and means to cope with these eventualities, but she feels that if left to herself she might be unequal to the occasion should it ever arrive, and therefore turns to England in the hope of procuring her good offices in bringing about a settlement of the difficulties which have arisen with the other Treaty Powers. || The Emperor makes this frank exposure of what is nearest to his heart, and hopes that this appeal to Her Majesty the Queen-Empress may be graciously taken into her consideration, and an answer vouchsafed to it at the earliest possible moment.

Nr. 12365. **CHINA.** — Kaiserliches Edikt. Durch die chines. Gesandtschaften dem Auslande mitgeteilt.

Peking, 29. Juni 1900.

Nr. 12365. China. 29. Juni 1900.

In view of the circumstance that the Treaty Powers have unexpectedly assembled considerable forces in China, it is expedient that the Chinese Ministers accredited to foreign countries should be made acquainted with the situation of affairs at present, and the causes that have led to it. || We therefore command that the following account of what has recently taken place in Peking be communicated to them, in order that they may the better be the interpreters of our intentions with respect to the Treaty Powers. || The present unsatisfactory state of affairs originated in the formation of a Society consisting of disorderly persons in the provinces of Chihli and Shantung. The ostensible object of the Society was the practise of athletics, attended by strange rites founded on the pretended possession by its members of supernatural powers. || At first the authorities, viewing it as harmless, took no notice of the Society or sect with any measures for its suppression, but soon, spreading like wild-fire, branches of it were found everywhere, and in the matter of a month great numbers of its adherents were found even in Peking, where they were considered as a mystical sect to which crafty and designing persons introduced anti-Christian proclivities. || About the 10th June its enmity towards Christianity was no longer a matter of doubt. In spite of every effort to control them, they then set fire to some of the missionary buildings in Peking, and at the same time killed some of the native Christians. || When things began to assume a serious aspect, the foreign Representatives in Peking requested permission to bring up some soldiers for the protection of the Legations, and, the situation appearing critical, this was agreed to, and the Legation guards were accordingly increased by the number of about 500 men of the different nationalities. This is an evidence of the desire of the Chinese Government to maintain friendly relations with foreign Powers. || On other occasions, when foreign soldiers had been called up to Peking for the protection of the Legations, the men were confined to the premises of the several diplomatic establishments, so no collision ever occurred between them and the populace, but on this occasion, no sooner had they arrived than they were sent with their arms to patrol the streets, and sometimes they used their arms to fire on the people. Nor did they seem to be kept under proper control, but were allowed to roam, apparently at their own will, wherever they liked; some of them having been stopped in an attempt to enter the Tsung Hwa mên, a gate leading to the Imperial Palace, by which entrance is strictly forbidden. These acts on the part of the foreign soldiers so incensed the people that, lending ear to the false rumours that were being industriously disseminated amongst them by members of the Society, many of the people joined the latter, and, setting the law at defiance,

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proceeded to assist them in murdering the Christians and committing other outrages. || At this point the foreign Representatives called for more troops, but the advance of the reinforcements that were sent having been opposed by the combined forces of the Shantung and Chihli rebels, they have not, as yet, succeeded in reaching Peking. || It was not from any reluctance on the part of the Imperial Government that they did not adopt stronger measures for the suppression of the Boxer movement as soon as its real object became evident, but because of the danger to which, in the meantime, the Legations and Europeans in the disturbed districts would have been exposed. It was necessary to temporize, in order that the Society should not be provoked into attacking the Legations and committing further acts of hostility towards the Christians whilst the Imperial Government were preparing to deal an effectual blow. Any failure to do this at the first blow, might have led to the perpetration by the Boxers of acts which the Imperial Government would have viewed as a national calamity. || It was in view of these considerations that the Imperial Government thought of the expedient of requesting the Diplomatic Body to temporarily absent themselves from Peking, and it was whilst this project was being debated by the Tsung-li Yamên that Baron von Ketteler, the German Minister, was killed whilst on his way to the Yamên. On the previous day he had written to the Yamên asking for an appointment, but in consequence of the menacing attitude of the populace who then thronged the streets, it was not considered safe for him to be seen outside of the Legation. The Yamên, therefore, declined his request for an interview. The wisdom of this course was seen in the lamentable result of his attempting to come to the Yamên the next day. The increasing audacity of the crowd now then knew no bounds. It was now too late to send the foreign Ministers to Tien-tsin under the protection of a sufficient well-armed escort as the Yamên had intended doing; so, the only other course open to the Yamên was to continue the Ministers in Peking under the protection of an adequate guard of Chinese troops. And this was done, the officer in command of the guard having stringent orders to protect the Legations effectively in every possible emergency. || On the 16th June the officer in command of the allied fleets at Taku, much to our surprise, demanded of General Lo Yung Kwang the surrender of the forts under his command, at the same time informing him that, in case of non-compliance, they would be attacked and taken at 2 o'clock next day. It was the duty of Lo Yung Kwang to hold the forts, so he had no alternative but to refuse the demand. || At the appointed time the allied Commander opened fire on the forts and eventually captured them. || These hostilities were not of China's seeking. No false estimate of her power led her to measure her forces with those of the combined fleets. She fought because she could not do otherwise than resist. || This point the Ministers must make unmistakably clear to the respective Governments to whom they are severally accredited. They will also take

occasion to explain to the different foreign Secretaries the action of the Chinese Government and the motives by which it was actuated under the ever-changing circumstances which have led to the present complicated state of our foreign relations. || Orders of a very imperative character have been given to the officer charged with the protection of the foreign Legations to exert himself to the utmost in order that nothing untoward may happen to them. || Our Ministers are to remain at their respective posts in foreign countries, and to continue to discharge their official duties with unremitting care and assiduity. || Let this be transmitted to them. || Respect this.

Nr. 12365. China. 29. Juni 1900.

Nr. 12366. CHINA. — Der Gesandte in London an den engl. Minister des Auswärtigen. Vorschläge der Vicekönige zur Aufrechthaltung der Ordnung im Yangtse-Thale.

Received June 29, 1900.

Nr. 12366. China. 29. Juni 1900.

The Chinese Minister presents his compliments to the Marquess of Salisbury, and, referring to the interview he had with his Lordship yesterday, has the honour to forward him the following translation of the telegram from the Viceroys at Nanking and Woochang, the purport of which he communicated to Lord Salisbury at the interview above mentioned: — || „In view of the exceedingly critical state of affairs in the north of China, the Undersigned, the Viceroys of the Liang Kiang and Liang Hu Governments, whilst hoping to see things taking a more favourable turn, have deemed it expedient to take special measures for the preservation of order in the provinces under their jurisdiction in the event of the disturbances ever extending to them. || „With the object, therefore, of arriving at an understanding with the Treaty Powers with respect to any concerted action which eventualities may call for, the Undersigned have framed the following Articles, and instructed the Taotai at Shanghae to submit them to the Consular Body at Shanghae as the basis of such action: —

„1. That the Chinese authorities and the Consular Representatives of the Treaty Powers shall consult with each other, and act conjointly, in protecting native and foreign life and property, and this they severally recognized as being the sole object of the proposed understanding. || „2. That the duty of protecting Shangae shall be confided to the Treaty Powers. || „3. That in the region of the Yang-tsze Valley, including the towns of Soochow and Hangchow, the responsibility for the maintenance of order shall pertain to the Viceroys of the Liang Kiang and Liang Hu Provinces, who, within the limits aforesaid, undertake to give adequate protection to foreign life and property, merchant and missionary; and with this object, they do further undertake to issue stringent and imperative orders to all officials subordinate to them to

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suppress all inflammatory placards and punish all instigators of animosity between foreigners and the people. || „4. That the foreign war-ships already stationed at the Treaty ports in the Yang-tsze shall be maintained as heretofore, but on condition of their crews not being allowed to go ashore. || „5. That the Viceroys shall not be held responsible for the consequences of any disturbances which the entrance of foreign ships of war into the Yang-tsze may occasion, unless such entrance shall have been sanctioned by them. || „6. That no foreign ships of war shall pass near to, or anchor opposite to, or in the vicinity of the Woosung and Yang-tsze forts; neither shall they go through any exercises in the neighbourhood of the forts which, by being misunderstood, might bring about a collision between them and the forts. || „7. That foreign ships of war shall not cruise or anchor near to any of the Government powder-magazines, and that no foreign sailor or other person shall be allowed to approach such magazines. The ammunition contained therein being solely intended for the preservation of order and the security of life and property, and being under the perfect control of the Viceroys, no apprehension should be entertained lest it should be used for any other purpose. || „8. That foreigners and missionaries shall for the present refrain from travelling in places in the interior where it might be difficult to give them adequate protection. || „9. That any measures which the Powers may take for the defence of Shanghae shall be conducted in the least obtrusive manner possible, and so as to avoid exciting the fears of the populace, some of whom might otherwise avail themselves of the occasion to create disturbances which it might not be easy to control. || „The above are the only measures which, in the opinion of the Undersigned, would suffice for the maintenance of order and tranquillity in the Yang-tsze Provinces, in the event of their being afflicted by the troubles now agitating to metropolitan district and certain parts of Shantung. || „The Consuls are requested to communicate them to their respective Governments, who, it is earnestly hoped, may be able to give them their approval.

(Signed) „Lieu Kwun-Yih, Viceroy of the Liang Kiang.
„Chang Chi-Tung, Viceroy of the Liang Hu."

P.S. — An Imperial Rescript has just been received, stating that the foreign Legations continue to receive the plenary protection of the Imperial Government.

Chinese Legation, June 29, 1900.

Nr. 12367. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Paris. Unterhaltung mit dem französischen Botschafter über die Anzahl der nach China zu sendenden Truppen.

Nr. 12367. Grofsbritannien. 3. Juli 1900.

Foreign Office, July 3, 1900.

Sir, || The French Ambassador, who called on me to-day, expressed a wish that the Powers should come to an understanding as to the number of

troops to be sent by each to China. || I questioned his Excellency as to the precise object that these contingents were to attain. || M. Cambon replied that he thought we should be guided by the opinion of those on the spot, and he proposed that the question should be referred to a Council of the Admirals at Taku. || I expressed some apprehension that advice coming from such a Council might represent the opinion of a less competent majority, and not that of the most weighty members of it. I should prefer that each Power should seek the opinion of its own authorities as to what ought to be done, and what force was necessary to do it. To this view M. Cambon assented. || With regard to the proposals drawn up by the Viceroys at Nanking and Hankow, and submitted to the Consular Body at Shanghae as a basis for joint action in certain eventualities, M. Cambon stated that the proposed arrangement indicated in many respects the course which the French Government was disposed to follow, but that they were not prepared to bind themselves by authorizing their Consul-General to sign it. Salisbury.

Nr. 12367. Grofsbritannien. 3. Juli 1900.

Nr. 12368. **GROSSBRITANNIEN.** — Der Konsul in Kanton an den Minister des Auswärtigen. Übersendet ein kaiserliches Dekret an die Vicekönige. Hilflosigkeit der chinesischen Regierung.

Canton, July 4, 1900. (July 4.)

(Telegraphic.) || I have received privately a copy of an Imperial Decree to Li Hung-chang and the Viceroys of the Yang-tsze Provinces, which has since been published in a newspaper, to the following effect: — || „June 26 — You are aware of our dilemma about the armed bands (meaning Boxers), who must be either destroyed or pacified, and of the hostilities commenced by the foreign Powers. || „You have estimated your resources and advise peaceful measures. The Boxers are now in Peking, and have made their way into every part; their hatred of foreign missionaries is implacable. Were it attempted to suppress them by force, a catastrophe would be precipitated in the capital, and the inhabitants would be plunged in misery. We can now only employ the means we cannot control; a remedy for the state of affairs must be sought later. We are quite helpless, and war is being forced upon us. Hesitate no longer. Collect forces and money for the defence of the provinces you govern." || Li Hung-chang, at an interview yesterday, said that he was determined to avoid, as far as possible, all warlike operations here. I would recommend that the Powers make a united declaration that they will not make any attack on the Bogue forts or Canton.

Nr. 12368. Grofsbritannien. 4. Juli 1900.

Nr. 12369. VEREINIGTE STAATEN. — Der Botschafter in London an den englischen Minister des Auswärtigen. Politik der Vereinigten Staaten in der chinesischen Krisis.

American Embassy, London, July 5, 1900. (July 5.)

Nr. 12369. Vereinigte Staaten. 5. Juli 1900.

My Lord, || I have the honour to inform your Lordship that, in the present critical posture of affairs in China, my Government deems it appropriate to define its attitude, so far as present circumstances permit this to be done, and has instructed me to advise your Lordship that it adheres to the policy initiated by it in 1857, of peace with the Chinese nation, and of furtherance of lawful commerce and of protection of the lives and property of its citizens, by all means guaranteed under extra-territorial Treaty rights, and by the law of nations. If wrong be done to its citizens, it proposes to hold the responsible authors to the utmost accountability. It regards the condition at Peking as one of virtual anarchy, whereby power and responsibility have practically devolved upon the local provincial authorities. So long as they are not in overt collusion with rebellion, and use their power to protect foreign life and property, my Government regards them as representing the Chinese people, with whom it seeks to remain in peace and friendship. || The purpose of the President is, as it has been heretofore, to act concurrently whith the other Powers — || 1. In opening up communication with Peking, and rescuing the American officials, missionaries, and other Americans who are in danger. || 2. In affording all possible protection everywhere in China to American life and property. || 3. In guarding and protecting all legitimate American interests. || 4. In aiding to prevent a spread of the disorders to the other provinces of the Empire, and a recurrence of such disasters. || My Government considers that, with the information at present at hand, it is too early to forecast the means of attaining this last result; but its policy is to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territory and administrative entity, protect all rights guaranteed to friendly Powers by Treaties and international law, and safeguard for the world the principle of equal and impartial trade with all parts of the Chinese Empire. || I shall be pleased to have a brief interview with your Lordship as soon after the perusal of this note as you can conveniently accord it to me.

Joseph H. Choate.

Nr. 12370. GROSSBRITANNIEN. — Antwort des Ministers des Auswärtigen auf Nr. 12366.

Nr. 12370. Grofsbritannien. 5. Juli 1900.

The Chinese Minister called at this Office on the 4th instant and asked my view with respect to the arrangements proposed by the Viceroys of Nanking and Hankow, to the Consular Body at Shanghae, with regard to the joint action to be taken in the case of certain eventualities. || I answered that

I could fully recognize the excellent spirit in which these proposals were devised; but that Her Majesty's Government could not accept them as a contract which they were bound to execute. I pointed out that they involved the renunciation of rights which Great Britain possesses under the Treaties, and that they impose on Her Majesty's Government duties which belong to the Chinese Government. || So far as it appears to Her Majesty's Government to be expedient to execute their provisions they will gladly do so, but each case must be judged on its merits.

Nr. 12370. Grofs- britannien. 5. Juli 1900.

Foreign Office, July 5, 1900. Salisbury.

Nr. 12371. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Bedrohung von Nanking.

Shanghae, July 5, 1900. (July 6.)

(Telegraphic.) || Yuan-Shih-Kai, Governor of Shantung, is reported to have received orders from Prince Tuan in Peking to march with 18000 well-drilled troops on Nanking, and to capture it. || Anarchy will spread throughout the Empire if this attack is made, and if we have not a very strong force here to support the Viceroy.

Nr. 12371. Grofs- britannien. 5. Juli 1900.

Nr. 12372. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russische Regierung über Nr. 12360.

St. Petersburgh, July 8, 1900. (July 8.)

(Telegraphic.) || China. I have informed Count Lamsdorff, as instructed in your Lordship's telegram of the 6th July. His Excellency mentioned the possibility that Japan might want a mandate for separate action or special conditions of her co-operation, by which the accord in the common task of rescue and protection might be endangered. || In his opinion, it is essential for the success of the combined effort that action should be identic and on equal conditions, and that although every contribution of force promptly available for co-operation should be welcomed, no one Power should be given a mandate for separate action, or any special conditions, or any claim to preponderating voice in guidance based on the relative amount of force supplied or the services rendered to the common cause.

Nr. 12372. Grofs- britannien. 8. Juli 1900.

Nr. 12373. **GROSSBRITANNIEN.** — Der Gesandte in Japan an den Minister des Auswärtigen. Antwort auf Nr. 12360.

Tokio, July 11, 1900. (July 11.)

(Telegraphic.) || With reference to your Lordship's telegram of the 6th July, I was sent for to-day by Viscount Aoki, who told me that in consequence of the friendly assurances given by your Lordship, it had been decided by the

Nr. 12373. Grofs- britannien. 11. Juli 1900.

Nr. 12373. Grofsbritannien. 11. Juli 1900.

Japanese Government to send to China one or two more army divisions; the material difficulties of landing and supplies will determine the date of mobilization and departure of these.

Nr. 12374. GROSSBRITANNIEN. — Derselbe an Denselben. Japanische Vorbereitungen.

Tokio, July 12, 1900. (July 12.)

Nr. 12374. Grofsbritannien. 12. Juli 1900.

(Telegraphic.) || I have sent the following telegram to Admiral Seymour: || „Lieutenant-General Terauchi, Second in General Staff, is being sent by the Japanese Government to discuss with you and Admiral Alexeieff a scheme of combined operations.“

Nr. 12375. RUSSLAND. — Das Auswärtige Amt an den Botschafter in London. Über das den Japanern zu erteilende Mandat zur Rettung Pekings. Mitgeteilt der englischen Regierung am 13. Juli 1900.

Nr. 12375. Rufsland. 13. Juli 1900.

Le 11 Juin notre Ministre à Tokio nous communiqua que le Gouvernement Japonais s'était déclaré prêt, vu la situation pleine de péril à Pékin, d'envoyer ses troupes en Chine afin de sauver, conjointement avec les autres États, les Représentants des Puissances assiégés à Pékin et secourir les étrangers se trouvant dans l'Empire, parmi lesquels le Japon compte de nombreux sujets. Tout concours au but indiqué ne pouvait rencontrer que l'accueil le plus sympathique de la part de toutes les Puissances. D'autre part le Japon, grâce aux conditions géographiques pouvant, par l'envoi d'un contingent considérable, faciliter essentiellement la tâche des détachements internationaux se trouvant déjà à Tien-tsin nous nous empressâmes d'informer le Cabinet de Tokio que nous ne voyions aucune raison d'entraver sa liberté d'action à ce sujet, d'autant plus qu'il avait exprimé la ferme résolution d'agir en complet accord avec les autres Puissances. La décision prise par le Gouvernement Japonais, dans les conditions indiquées, était toute naturelle, vu le danger qui menaçait tout autant ses Représentants à Pékin, que ses nombreux sujets résidant en Chine; mais, à notre point de vue, l'accomplissement de cette tâche ne saurait impliquer des droits d'une solution indépendante des affaires à Pékin, ni d'autres privilèges, à l'exception, peut-être, d'une plus grande indemnité pécuniaire, si plus tard les Puissances avaient considéré nécessaire d'en demander une. || Presque simultanément nous reçûmes du Cabinet de Londres une communication à ce sujet, dans laquelle il s'agissait déjà non d'une décision spontanée du Cabinet de Tokio de participer à l'action collective des Puissances, mais d'une mission donnée, par l'Europe au Japon, d'envoyer en Chine des forces considérables non seulement pour sauver les Légations et les sujets étrangers, mais aussi en vue de répression du mouvement insurrectionnel provoqué par

les Boxers et l'établissement de l'ordre à Pékin et Tien-tsin. || Cette manière de poser la question pourrait à notre avis dans une certaine mesure enfreinde les principes fondamentaux qui avaient déjà été acceptés par la majorité des Puissances comme bases de leur politique relativement aux événements en Chine, savoir: le maintien de l'union entre les Puissances, maintien du régime gouvernement existant en Chine; exclusion de tout ce qui pourrait mener au partage de l'Empire; enfin le rétablissement par les efforts communs d'un pouvoir central legitime capable lui-même d'assurer au pays l'ordre et la sécurité. Le ferme établissement et la stricte observation de ces principes fondamentaux sont, à notre avis, absolument indispensables pour atteindre le but principal: le maintien d'une paix durable en Extrême-Orient. || Le Gouvernement Impérial considère qu'en face des événements menaçants en Chine, qui concernent les intérêts vitaux des Puissances, il est urgent d'éviter tout malentendu ou omission qui pourraient avoir des suites encore plus dangereuses.

Nr. 12375. Rufsland. 13. Juli 1900.

Nr. 12376. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Gesandten in Japan. Finanzielle Unterstützung Japans.

Foreign Office, July 13, 1900.

(Telegraphic.) || With reference to your telegram of the 11th instant, I have to state that Her Majesty's Government are willing to assist the Japanese Government up to 1000000 l. if they at once mobilize and send forward without delay, for the relief of the Peking Legations, a further force of 20000 men in addition to the troops which you stated, in your telegram of the 6th instant, where being dispatched.

Nr. 12376. Grofsbritannien. 13. Juli 1900.

Nr. 12377. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Ausbreitung der Boxerbewegung.

Shanghae, July 14, 1900. (July 14.)

(Telepraphic.) || There is no doubt that the Boxer movement is spreading, and may develop into a Chinese national uprising throughout the Empire against foreigners. || To-day bad news comes from Hankow, Hunan, and Wenchow. The loss of Shanghae would be irreparable ruin to foreign trade and influence, as it is the shipping and commercial base of all China north of Foochow. The navy and volunteers cannot hold it against all contingencies. I would therefore urge strongly that a British force should without delay be sent to Hong Kong or Wei-hai Wei, and that their transport should be kept with them ready to leave for Shanghae at eight hours' notice. Five hundred cavalry, one battery of artillery, and 2000 infantry would be an adequate force. The Senior Naval Officer at Shanghae concurs in this suggestion.

Nr. 12377. Grofsbritannien. 14. Juli 1900.

Nr. 12378. GROSSBRITANNIEN. — Der Gesandte in Japan an den Minister des Auswärtigen. Japan lehnt die Entsendung weiterer Truppen ab.

Tokio, July 14, 1900. (14. July.)

Nr. 12378. Grofsbritannien. 14. Juli 1900.

(Telegraphic.) || With reference to your Lordship's telegram of the 13th July Viscount Aoki, after consulting with Marquis Yamagata, informs me that as no combined plan of compaign has been agreed upon, the Japanese Government do not consider that the dispatch of further reinforcements would at present be opportune. || The Japanese Government might reconsider this decision, Viscount Aoki added, if General Terauchi's mission, to which I referred in my telegram of the 12th July, should prove successful, and further troops be demanded by the Military Commanders.

Nr. 12379. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Petersburg. Antwort auf Nr. 12370.

Foreign Office, July 15, 1900.

Nr. 12379. Grofsbritannien. 15. Juli 1900.

(Telegraphic.) || Russian Chargé d'Affaires communicated on 13th July a message from Count Lamsdorff, stating that on the 11the June Russian Minister at Tôkiô had reported offer of Japanese Government to send troops to China conjointly with other Powers for preservation of Representatives at Peking and of foreigners throughout China. This action on the part of Japan was quite natural, as her geographical position enabled her to send considerable reinforcements at once to Tien-tsin, and she has numerous subjects residing in China. || The Russian Government at once informed the Cabinet of Tôkiô that they saw no reason for interfering with Japan's liberty of action in this respect, the more so, as she had expressed the firm resolution of acting in complete accord with the other Powers. But the accomplishment of this ask did not, according to the view of the Russian Government, imply any right to an independent settlement of affairs at Peking, nor other privileges, except, perhaps, a larger pecuniary indemnity if eventually the Powers should consider it necessary to demand one. || Count Lamsdorff states that almost simultaneously he received from Her Majesty's Government a communication which already mentioned not a spontaneous decision of the Cabinet of Tôkiô to participate in the collective action of the Powers, but a mission to be given by Europe to Japan to send to China considerable forces not merely to save the Legations and foreigners, but also with a view to the repression of the insurrectionary movement set on foot by the Boxers and the etablishment of order at Peking and Tien-tsin. This manner of stating the question might, in the opinion of the Russian Government, infringe to a certain degree the fundamental principles which had already been accepted by the majority of the Powers as the basis of their policy, namely, the maintenance of union

between the Powers, maintenance of the existing system of government in China, exlcusion of anything which might lead to partition of the Empire, in fact, the re-establishment by joint efforts of a legitimate central Government capable of assuring order and security. The Russian Government consider that strict observance of these fundamental principles is indispensable for maintenance of durable peace in the Far East, and that it is essential to avoid all misunderstandings or omissions which might have dangerous consequences. || I have replied that Her Majesty's Government have never suggested that the action of Japan should confer on her any rights to an independent solution or any other privileges. They have never spoken to the Russian Government of a mission given by Europe to Japan. The fundamental principles of which Count Lamsdorff speaks have never been accepted by Her Majesty's Government, nor have we as yet discussed with other Powers the circumstances to which those principles might possibly apply. Her Majesty's Government have not expressed an opinion in favour of any steps except those which point to the relief of the Legations and of other foreigners.

Nr. 12379. Grofsbritannien. 15. Juli 1900.

Nr. 12380. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Ausführliche Unterredung mit Lamsdorff über das japanische Mandat.

St. Petersburgh, July 4, 1900. (July 16.)

(Extract.) || I had to-day the first opportunity since Count Mouravieff's death of conversation with Count Lamsdorff, who held a reception of the foreign Representatives.

Nr. 12380. Grofsbritannien. 4. Juli 1900.

His Excellency expressed regret at having been unable to receive me earlier, but hoped that the answer which he had send me to your Lordship's inquiry about a Japanese expeditionary corps to Northern China had made it clear that Russia had no desire to place the slightest difficulty in the way of the prompt dispatch of such a Japanese force as your Lordship had named. The Japanese Government, as appeared from the communication they had made to the Russian and other Governments, had not asked for a mandate to act independently in the restoration of order in Tien-tsin and Peking, but was desirous to co-operate loyally in this emergency with the European forces. || There would be grave objections to giving a mandate for single action to any one Power in the face of so grave a crisis as the present, when every other consideration must be subordinated to the one common and pressing aim of rescue and protection; and any importation of elements of rivalry and jealousy would be fatal to its success. || Any available force that could be promptly sent by any Power to hasten the work of relief would be most welcome. || Russia had so far been able to contribute the most effective aid in the seizure of the Taku forts and the relief of Tien-tsin, but had no desire to found on

Nr. 12380. Grofs-britannien. 4. Juli 1900.

that fact any claim for a privileged position in the common task before us. || Under the circumstances, the Russian Government had adopted the only course possible at such a distance from the scene of action: they had given the fullest powers to M. de Giers to take any immediate action he thought necessary, and to call up from Vladivostock or Port Arthur any amount of force necessary to keep up communications with the coast and protect the Legations; and Admiral Alexeieff and the authorities at Vladivostock had been instructed in this sense. Unfortunately there were doubts whether this telegram had ever actually reached Peking, and at present the Russian Government was greatly embarrassed by want of prompt and detailed information from the Admiral as to the amount of force already landed and immediately available, and the measures which had been taken and were in contemplation; he understood that the Russian force already landed amounted to 10000, but the telegrams had been unaccountably delayed and were very meagre and he was anxious for the particulars, which I at once gave him, of the latest items of information from our Admiral at Taku and Consul at Tien-tsin and the dates at which they had been dispatched and received. || It was impossible, he added, for the Government of St. Petersburgh to dictate a course of action to their authorities on the spot, who had the fullest powers. There was, he thought, no confidence to be placed in the contradictory rumours from Peking which reached Europe through Chinese sources, but there could be little doubt that a complete state of anarchy now prevailed in the Chinese capital. || The Empress was at the time said to have fled from Peking, and he had thought it possible that she might be endeavouring to join Li Hung-chang somewhere, and if so, that the latter might have made use of the Empress as a constituted authority to endeavour to restore order, and come to terms with the European Powers. || The latest reports, however, asserted that the Emperor was a prisoner at Peking in the power of Prince Tuan, who had usurped the authority and led the anti-foreign crusade. || Count Lamsdorff's view of the situation at present seemed to be that if we could only rescue our Legations and the Europeans, and bring them in safety to the coast, the allied forces should confine themselves to holding in strength the position they now occupied at Taku and Tien-tsin, and not attempt to restore order in the interior but let the conflagration there burn itself out, and wait until it resulted in some apparent authority emerging at Peking with whom the Powers could deal, and whom they could render responsible. || At present there was no one in the capital whom we could menace or even address; in the opinion of the Chinese Minister at St. Petersburgh, who had his son and other relations there, the movement had become essentially anarchical, and Chinese and Europeans were being massacred and pillaged indiscriminately. || Count Lamsdorff had not heard directly of the course unanimously recommended by the Consular Body at Tien-tsin, but he entirely shared your Lordship's view that the effect of its adoption would not only be quite inoperative on the factors of the disturbance,

but extremely hazardous and difficult to execute, and he thought that if there were any authorities which a menace or warning could reach, the proposal to warn them collectively that they would eventually be held responsible in their persons and property for any injury to the foreign Legations or Europeans in Peking was a much more practical suggestion. || There was one point on which Count Lamsdorff laid particular stress in his conversation with me: it was that the European Powers should proceed on the assumption that they were not in a state of war with the constituted Government of China, but with rebels and anarchists, otherwise the whole population of China would be aroused against us, and none of the constituted authorities would have sufficient influence to accept our support in restoring order. || Count Lamsdorff concluded by expressing a desire to be placed in possession of any information or suggestions which your Lordship might desire to offer to him, and by promising to keep me promptly informed of any later news which the Russian Foreign Office might receive from China; he laid emphasis on the necessity of maintaining a complete accord between all the European Powers with regard to their action in China.

Nr. 12380. Grofsbritannien. 4. Juli 1900.

Nr. 12381. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an den Botschafter in Petersburg. Der russ. Botschafter hat die Ernennung eines gemeinsamen Oberbefehlshabers angeregt.

Foreign Office, July 20, 1900.

Nr. 12381. Grofsbritannien. 20. Juli 1900.

(Telegraphic.) || Russian Chargé d'Affaires has made following communication:—

In view of inquiries addressed to Imperial Government concerning the ulterior military measures which the Powers may have to undertake in China, the latter considers it urgent to come immediately to a positive understanding on the subject. || A question of the most important nature at once presents itself, that of the unity of action of all the international detachments on Chinese territory; or, otherwise expressed, the question of the concentration in one single hand of the general command and direction of all these detachments. || The Imperial Government gather that the opinion of the foreign Cabinets differs on this point; some think that the international forces may be put under the orders of the Senior Commander, others that the number of troops of a certain nationality should affect the selection of the Commander-in-chief. || Either method, being based on a casual circumstance, subject to frequent changes, is open to serious practical inconvenience. || In these circumstances, it would seem useful to establish by common agreement more stable principles for the unity of action so necessary for success against the insurrectionary movement in China. || Considering that the efforts of the Powers tend to the same object, equally serious for all, the Imperial Govern-

Nr. 12381. Grofsbritannien. 20. Juli 1900.

ment think that special importance should not be attributed to the activity of this or that detachment. Whether the troops of any nationality be concentrated in the rearguard or be at the head of a column, whether it defends positions already conquered, undertakes reconnaissances, or guards lines of communication; all this, independently even of the numerical strength of the detachment should have the same value in the view of the Powers as contributing to the accomplishment of the work undertaken in common. || I send some observations on this communication in a separate telegram.

Nr. 12382. GROSSBRITANNIEN. — Derselbe an Denselben. Dasselbe.

Foreign Office, July 20, 1900.

Nr. 12382. Grofsbritannien. 20. Juli 1900.

(Telegraphic.) || The communication recited in my preceding telegram was considered yesterday by the Cabinet, but before we can express any opinion on it, we find it essential to have some further explanations as to its meaning and intention. || It speaks in first paragraph of the ulterior military measures which the Powers may have to take in China, and it suggests in second paragraph that for the purpose of these measures the general command and direction of all the international detachments on Chinese territory should be concentrated in one single hand for the purpose of securing unity of action. || What is the meaning of these phrases? || What are the „ulterior military measures" to which allusion is made? Does the sentence imply, as the juxtaposition of expressions would seem to indicate, that „all the international detachments on Chinese territory" are to be employed upon these ulterior military measures? and that for that purpose all these detachments are to be concentrated under the single hand of the General Commanding? || These phrases make it matter of the greatest interest to know the views of the Russian Government with respect to this proposed General Commanding, the manner of his choice, and the powers to be placed in his hands. The rest of the telegram throws little light upon this subject. || Count Lamsdorff condemns without hesitation the plan of selecting such a Commander in deference to superior rank, or to the greater size of the contingent he commands. || I entirely concur with Count Lamsdorff in thinking that the appointment of a General Commanding in pursuance of these considerations would not be satisfactory. || The observations made in the two last sentences of the telegram appear to be intended to bear on this question. But I am not able to trace the deduction which Count Lamsdorff means to draw from them. || You should place these observations before Count Lamsdorff, and request further explanations of the points raised in them, urging especially the importance of some definite understanding as to the nature, scope, and object of the military operations which he contemplates.

Nr. 12383. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Auswärtigen. Unterhaltung mit Delcassé über das japanische Mandat.

Paris, July 21, 1900. (July 21.)

(Telegraphic.) || I placed unofficially in the hands of the Minister for Foreign Affairs this afternoon a Memorandum in fulfilment of the instructions contained in your Lordship's telegram of 20th July. || His Excellency stated that he himself had never said anything to imply that Her Majesty's Government desired that a mandate should be given to Japan, and declared himself in ignorance of nearly all that had passed between the British and Russian Governments as detailed in your Lordship's telegram of the 15th instant to Sir Charles Scott.

Nr. 12383. Grofsbritannien. 21. Juli 1900.

Nr. 12384. GROSSBRITANNIEN. — Der Botschafter in Rom an den Minister des Auswärtigen. Die italienische Regierung über das japanische Mandat.

Rome, July 21, 1900. (July 21.)

(Telegraphic.) || This afternoon Mr. Townley saw Italian Foreign Minister and made the communication as instructed in your Lordship's telegram, dated yesterday. || M. Visconti-Venosta stated that the Italian Government had received a communication from the Russian Government similar to that made on the 13th instant to your Lordship. His Excellency had informed Russian Chargé d'Affaires that the Italian Government had received no proposal from Her Majesty's Government that Europe should give a mission to Japan to send forces to China. || Italy was most desirous, his Excellency said, for the maintenance of the accord between the Powers; she was opposed to all action which might lead to a partition of the Chinese Empire, would assist in any joint action for the relief of the Foreign Legations, and would act in concert with the other Powers in any measures which it might be found necessary later to take for the establishment of a Government competent to restore and preserve order.

Nr. 12384. Grofsbritannien. 21. Juli 1900.

Nr. 12385. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung mit Lamsdorff über Nr. 12381.

St. Petersburgh, July 21, 1900. (July 21.)

(Telegraphic.) || In conversation to-day I submitted to Count Lamsdorff the observations on the Russian communication contained in your Lordship's telegram of 20th July, and I invited further explanation on the points which they raised. || His Excellency said that the communication had as its object to provoke an exchange of opinion between the Governments concerned as to

Nr. 12385. Grofsbritannien. 21. Juli 1900.

Nr. 12385. Grofsbritannien. 21. Juli 1900.

the necessity of the general command and direction of the international detachments being concentrated in one hand. In Paris this necessity seems to be felt, and here and at Berlin the arguments in support of it are appreciated. || It was meant to apply only to the present field of combined action in Pechili, and Count Lamsdorff gathers that, in the opinion of the military authorities on the spot, although hitherto the operations have proceeded successfully and without friction, the time has come to determine the responsibility for general direction by some agreement between the Governments. || His Excellency cannot possibly indicate what ulterior measures may be necessary or their eventual scope, the rescue and protection of foreigners being the primary common aim. || It is his personal view that if the Governments are in agreement that it is essential for the success of the effort that there should be a single general direction, then the views of their military authorities on the spot as to the most satisfactory and practical way of giving effect to it, and as to the nature and scope of the military measures which can be undertaken, should be ascertained by each Government by telegraph. || These were points on which the Russian Government had not yet been able to form any definite opinion.

Nr. 12386. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Kaiserliches Dekret über den Schutz der Gesandten.

Shanghae, July 22, 1900. (July 22.)

Nr. 12386. Grofsbritannien. 22. Juli 1900.

(Telegraphic.) || A memorial from various Viceroys and Governors, praying that the foreign Ministers might be protected, has been submitted to the Throne by the Governor of Shantung. The following translation of an Imperial Decree, dated 10th July, is in reply to it:— || „It is written in the Confucian work ‚Spring and Autumn', that Envoys shall not be killed. How can it then be supposed that the Throne's policy is to connive at allowing the troops and populace to vent their wrath upon the foreign Ministers? For a month past, excepting the murder of the German Minister by the riotous people, which offence is being vigorously investigated, the other Ministers are being protected by the Throne with a ceaseless energy, and fortunately have suffered no harm." || Sheng received a telegram on Friday from the Governor of Shantung, transmitting a message in cypher to the United States' Government from their Minister. This message was undated, but purported to have left Peking on 18th July. It was to the effect that the United States' Minister was in the British Legation under fire from shot and shell. The date given by the Chinese to the United States' Minister's telegram is, your Lordship will observe, the same as that of the above-quoted Decree, and the assurances given in the latter are not borne out by the former. || I telegraphed yesterday to the Governor of Shantung, asking why we had had no

message from Sir C. MacDonald, and how it was that a message from Peking could reach Chinan-fu in two days. He assures me, in reply, that there is no telegraphic communication, but that the United States' Minister's telegram was sent by the Tsung-li Yamên by a messenger travelling 600 li (roughly, 200 miles) a-day. He cannot explain why Her Majesty's Minister has not telegraphed. He begs me not to be anxious, as he has already had several reliable messages to the effect that the Ministers and others are all living and unharmed.

Nr. 12386. Grofsbritannien. 22. Juli 1900.

Nr. 12387. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Lamsdorff über das japanische Mandat.

St. Petersburgh, July 22, 1900. (July 22.)

Nr. 12387. Grofsbritannien. 22. Juli 1900.

(Telegraphic.) || The object of the message communicated on the 13th instant by the Russian Chargé d'Affaires, and reported in your Lordship's telegram of the 15th July, has been explained to me by Count Lamsdorff. || His Excellency said that it was in order to clear the Russian Government once from the odious and entirely undeserved charge that they had hesitated to accept Japan's assistance, and had thereby assumed the grave responsibility of hindering the prompt relief of the Legations, this charge had been insinuated in the press and other quarters. || His Excellency admitted that in the message which I communicated to him no mention had been made of any European mandate to Japan for independent action, and that co-operation was indicated in the arguments used by me, but he said that at Berlin your Lordship's question had been understood to imply an European mandate, and that it was possible to so interpret the words used „an expedition to restore order at Peking and Tien-tsin, if Japan is willing to undertake the task". || Although the misunderstanding had been promptly cleared up, unjust deductions had been drawn by the public press, and it ought to have been made quite clear by the instructions sent to the Russian Minister at Tôkiô that all available prompt assistance from Japan, equally with the Powers concerned in meeting the common danger, would be gladly welcomed by Russia. || I had, I said, no reason to believe that any doubts on this point had been entertained by Her Majesty's Government.

Nr. 12388. CHINA. — Kaiserliches Dekret über die Bestrafung der Mörder Kettelers und Sugiyamas und den Schutz der Gesandten.

Peking, July 17, 1900. (24. Juli.)

Nr. 12388. China. 17. Juli 1900.

The present disturbance in our foreign relations is to be traced to the antipathies which have long existed between the native Christians and their fellow subjects, and to the irritation occasioned by the Treaty Powers in at-

Nr. 12388. China. 17. Juli 1900.

tacking and occupying the forts at Taku. || The Court of Peking attach much importance to the maintenance of friendly relations with the Treaty Powers, and would view any interruption of them with sincere regret; and it was for this reason that, notwithstanding the hostilities at Taku, we have repeatedly issued Imperial Decrees enjoining the metropolitan and provincial authorities to accord plenary protection to the foreign Legations in Peking and foreigners residing in other parts of the Empire. And as the disturbances which called for these Decrees still continue unabated, and as large numbers of foreigners are resident in divers parts of China, we now command the Tartar Generals, the Viceroys and Governors of provinces to make themselves acquainted with their various places of abode, whether at the Treaty ports or at the Foos, Chows and Hsiens in the interior, so that our Treaty obligation to give adequate protection to them may be fulfilled, and further untoward incidents prevented from occurring. || We were shocked to learn last month that Mr. Sugiyama, the Chancellor of the Japanese Legation, had been killed, and some time afterwards that Baron von Ketteler, the Minister of His Majesty the Emperor of Germany, had been assassinated at his post in Peking. We now command that the parties to these outrages may be sought for and arrested without delay, in order that they may be punished according to law. || Since the outbreak of hostilities at Tien-tsin there have doubtless been many peaceful missionaries and other foreigners, unconnected with these hostilities, who, at the hands of disorderly persons, have suffered in person or property. Let the Governor of Peking and the Viceroy of Chihli cause their cases to be severally investigated and reported to us for our information. || Recently in other parts of the Empire bandits and unruly persons have committed many acts of oppression, arson, rapine, and murder. The Viceroys and Governors of provinces and the high territorial military authorities are commanded to take stringent measures for the restoration of order and tranquillity in their respective Governments, and the extermination of the parties by whom these outrages were committed. || Let this, our Imperial Decree, be promulgated in every part of the Empire. || Respect this.

Nr. 12389. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Der Vicekönig stimmt der Landung von Truppen zu.

Shanghae, July 28, 1900. (July 28.)

Nr. 12389. Grofsbritannien. 28. Juli 1900.

(Telegraphic.) || I requested Her Majesty's Consul at Nanking yesterday to inform me of the exact terms on which the Viceroy consents to the friendly occupation of Shanghae. || He has to-day replied that everything is left to my discretion, and that the Viceroy's consent is unconditional. His Excellency will not refuse absolutely, but will raise objections if any other Powers intimate that they intend to station a garrison at Shanghae. He will state to-morrow on what date he can receive the Admiral.

Nr. 12390. GROSSBRITANNIEN. — Derselbe an Denselben. Neue Metzeleien.

Shanghae, July 28, 1900. (July 28.)

Nr. 12390. Grofsbritannien. 28. Juli 1900.

(Telegraphic.) || The Consular officer at Hangchow telegraphs as follows:|| „Nine members of the China Inland Mission at Chuchow, four being those from Chiang Shan, are reported by Father Witteib, a Roman Catholic, to have been massacred. It is also reported that six employés have been killed by the Sub-Prefect. || „Ching train-bands are said to have committed the outrage."

Nr. 12391. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung mit Lamsdorff über ein gemeinsames Oberkommando.

St. Petersburgh, July 21, 1900. (July 30.)

Nr. 12391. Grofsbritannien. 21. Juli 1900.

(Extract.) || On receipt of your Lordship's telegram this morning, I at once sought an interview of Count Lamsdorff, and read to him the observations which your Lordship had passed on the communication which the Russian Chargé d'Affaires had made to Her Majesty's Government of the views of his Government concerning the ulterior military measures which the Powers may have to undertake in China, and the question of concentrating in one single hand the command and direction of all the foreign detachments which may have to undertake such measures. || I said that Her Majesty's Government had carefully considered this communication, but found it essential to have some further explanations as to its meaning and intentions before expressing an opinion. || It was, I added, especially important to have some definite understanding as to the nature, scope, and object of the military measures which the Russian Government contemplates in this communication. || Speaking of these ulterior measures in the two first paragraphs of the communication, his Excellency had, I observed, mentioned the necessity of unifying the general command by an understanding between the local military authorities. || Did this, I asked, imply that all the international detachments on Chinese territory were to be employed on the contemplated military measures, and for this purpose all concentrated under the single hand of one General commanding the manœuvre, of his choice. || I ventured to point out to his Exellency that „Chinese territory" was a very wide expression, and that we were scarcely yet able to gauge the extent of the danger which the Powers had to face, or assign to it any precise geographical limits. || Count Lamsdorff said that he wished at once to clear up any possible misunderstanding on this point. || The ulterior military measures contemplated in M. Lessar's communication were to be understood as exclusively confined to the present field of action of the international detachments, which might be roughly defined as the Province of Pechili. As regards other parts of China where danger might equally break out, it was clear that the direction of any necessary military measures would have to be

Nr. 12391. Grofsbritannien. 21. Juli 1900.

undertaken independently. || For instance, Russia would have to take independent military action in the north of China bordering on her own territory and on her railway, and it was to be assumed that other Powers would act similarly in the south and centre of China, where their own territory and special interests were more immediately concerned. || The question of a single hand to command and direct ulterior military measures of the international detachments now acting together in Pechili was the one raised, and he regarded it as important to secure unity of action. || It was impossible to form any precise opinion as present as to the nature and scope of the military operations which might soon be necessary; their immediate object was clearly the rescue and protection of foreigners, and up till now all the international detachments employed appeared to have acted in this task loyally together without friction and with considerable success; but it appeared that the military and naval authorities on the spot considered that, for the success of any larger ulterior measures which might have to be undertaken, it was essential that unity of action should be secured by an agreement to place the direction and command in one single hand. || This necessity seems to have been strongly felt by the French Government, and the arguments in its favour were appreciated, if I rightly understood Count Lamsdorff, at Berlin as well as St. Petersburgh. || I then said that your Lordship had expressed a concurrence with Count Lamsdorff's view that the plan of selecting a Commander-in-chief in deference to superior rank or to the greater size of the national contingent commanded by him would not be satisfactory, as these considerations were based on circumstances subject to frequent change; but that, although the observations in the last two sentences of M. de Lessar's communication seemed to bear upon the question of an alternative plan, your Lordship had been unable to trace the deductions which his Excellency meant to draw from them. || Had his Excellency, I asked, formed any definite opinion as to the plan to be followed in selecting a Commander-in-chief and determining the powers to be given him? || Count Lamsdorff replied that he had not, and the object of his communication was to elicit an expression of opinion on this point from the different Governments addressed with the idea that from the answers received („du choc des opinions") would result some practical suggestion which might meet the views of all. || His personal idea had been that each Government, on receiving this communication, would, before replying to it, confer with its military authority on the spot, and ascertain his views as to the necessity of a single command, the best plan to be adopted in the selection, and also as to ulterior military measures which they, with their better knowledge of local circumstances, considered it imperative or impossible to undertake. || I have lost no time in telegraphing the upshot of my conversation with Count Lamsdorff to your Lordship.

Nr. 12392. **CHINA.** — Vicekönig Li Hung-Tschang an den Gesandten in England. Bittet keine neuen Truppen zu senden.

Shanghae, July 30, 1900. (July 30.)

Nr. 12392. China. 30. Juli 1900.

(Telegraphic.) || I have, conjointly with other Viceroys and Governors, memorialized the Throne to urge the immediate sending of foreign Representatives under escort to Tien-tsin or the restoration to them the freedom of telegraphic communication with their respective Governments. The Imperial approval will be communicated to you as soon as it is obtained. || Please persuade the Foreign Office not to send any more reinforcements, and instruct those already sent not to make any advance. This is very important.

Nr. 12393. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an den Gesandten in Peking. Wie ist die Lage?

Foreign Office, July 30, 1900.

Nr. 12393. Grofsbritannien. 30. Juli 1900.

(Sent through Chinese Minister.) || (Telegraphic.) || Pray let us know where and how you and other Europeans are. We have heard nothing since your letter of 4th July to Consul at Tien-tsin. || This message is forwarded through Chinese Minister in London.

Nr. 12394. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Neue Metzeleien.

Shanghae, August 1, 1900. (August 1.)

Nr. 12394. Grofsbritannien. 1. Aug. 1900.

(Telegraphic.) || I am informed by the English Baptist Mission that a telegram has been received from Mr. Morgan at Sian-fu (in Shensi) to the following effect: — || „Fifty missionaries murdered, fear welfare of Christians. Eleven of us starting. Obtain protection in Human and Hupei.“ || These massacres ave becoming general, and I have the gravest fears for the safety of all foreigners now up country. I am trying to obtain protection asked for.

Nr. 12395. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Vicekönige verlangen persönliche Sicherheit der Kaiserin-Witwe.

Shanghae, August 1, 1900. (August 2.)

Nr. 12395. Grofsbritannien. 1. Aug. 1900.

(Telegraphic.) || With reference to my telegram of 5th July*) the situation is every day becoming more serious. The Viceroys at Nanking and Wuchang have declared themselves loyal to the Empress-Dowager, and have stated distinctly that they will be unable to carry outh the agreement of neutrality

*) Nr. 12359. Red.

Nr. 12395. Grofsbritannien. 1. Aug. 1900.

entered into with foreign Governments unless it is guaranteed that her person shall be respected. The Viceroys, while preserving peace in their districts to the best of their ability, are at the same time arming all along the whole line of the Yang-tsze, and are preparing for attack. When the allied forces approach Peking, I fear they will find a very strong force opposed to them, as the Viceroys are further dispatching troops to the north for the protection of the Emperor and Empress-Dowager.

Nr. 12396. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Auswärtigen. Übersendet eine officielle Äufserung der russischen Regierung über Briefwechsel des Kaisers von China mit dem Zaren.

St. Petersburgh, August 3, 1900. (August 3.)

Nr. 12396. Grofsbritannien. 3. Aug. 1900.

(Telegraphic.) || A communication appears in the Official Gazette of yesterday, of which following is a summary: —

„The complete impotence of the Government of Peking to arrest the insurrectionary movement in China, and to restore order in the capital, a state of affairs conductive to serious complications, inspired the Emperor of China to address to the Emperor a request for His Imperial Majesty's mediation. || „The anti-Christian troubles are attributed by the Emperor of China to the evil proceedings of agitators acting in their own personal interest. When, at the instance of the Russian Minister, the Government decided to take repressive measures, it was already too late to allay the excitement against the foreigners caused by the spreading of false rumours among the lower classes. || „The Chinese Government, from fear of compromising the safety of the Legations, and of provoking a general rising against the foreigners at the ports, did not dare to take decisive measures against the insurgents, the result being that the Powers have suspected the Chinese Government of complicity with the anti-Christian movement, and have decided to take military measures, which threatened to still further complicate the situation. || „The Emperor of China has therefore addressed a request to the Emperor of Russia to find some means for saving the country, and to take the initiative in carrying it out. || „The Emperor has replied to the above telegram stating that, while deploring the serious events now happening in China, the uncertainty of what is taking place in Peking and the absence of news respecting the fate of the Russian and foreign Representatives render all idea of mediation in favour of China very difficult at the present moment. || „The efforts of Russia have but one object in view, namely, to assist in the re-establishment of order and tranquillity in the Chinese Empire, and, inspired by their traditional friendship for China, the Imperial Government have decided to render to the Chinese Government every assistance with a view to repressing the present troubles. ||

„The Emperor hopes that the Emperor of China will take the most effective measures for the pacification of this vast Empire, and for the security of the lives and property of the Russian and all other foreign subjects residing in China.“

Nr. 12396. Grofsbritannien. 3. Aug. 1900.

Nr. 12397. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Generalkonsul in Schanghai. Drohung die Ahnengräber zu zerstören.

Foreign Office, August 3, 1900.

(Telegraphic.) || I have received your telegram of the 2nd August. || The threat to destroy the tombs of the Manchu dynasty would be very repugnant to public opinion here in Europe, and we are also informed that it would create a bad impression in China generally. || With regard to the warning that we should hold the Chinese Government personally guilty for any injury to the members of the Legations, please refer to my telegram of the 5th July.

Nr. 12397. Grofsbritannien. 3. Aug. 1900.

Nr. 12398. GROSSBRITANNIEN. — Der Minister des Auswärtigen an die Geschäftsträger im Auslande. Erklärung der Regierung im Parlament.

Foreign Office, August 4, 1900.

(Telegraphic.) || The following statement of policy in China was made on behalf of Her Majesty's Government in the House of Commons on 2nd August:— Great Britain will, in concert with other Powers, press forward by every means the relief of the Legations at Peking, and regards it as imperative to impress upon China the sanctity of Envoys, and the power of Europe to protect or avenge them. || As regards the Yang-tsze district and the adjacent region, assurances have been given to the Viceroys that the ships and forces of Great Britain will co-operate as far as possible with them in quieting unrest and securing order, and provision is being made for the due fulfilment of this assurance. || Her Majesty's Government are opposed to any partition of China, and believe that they are in accord with other Powers in this declaration. || Her Majesty's Government hold that the future Government of China, whether directed from Peking or decentralized, must be a government by the Chinese, and they are not prepared to substitute for this an European Administration. || Similarly, they hold that in the common interest much caution should be observed in any scheme which may be entertained for organizing Chinese troops under foreign officers. || Compensation must be made by China for the effects of the existing disturbances.

Nr. 12398. Grofsbritannien. 4. Aug. 1900.

Nr. 12399. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Metzeleien in Chuchow.

Shanghae, August 6, 1900. (August 6.)

Nr. 12399. Grofs-britannien. 6. Aug. 1900.

(Telegraphic.) || The massacre at Chuchow (near Chiangshan) is officially acknowledged by the Governor of Chekiang. He informs me that five British subjects were suddenly attacked and murdered. The District Magistrate was also killed in trying to protect them. The Prefect, Taotai, and General of that district have been all cashiered for their negligence. || The Governor is, I believe, sincere in his desire to prevent such outbreaks, and expresses the deepest regret at the sad occurrence, || As far as I can see, the officials in Central and Southern China, although they cannot always be successful, are doing their very best to prevent this sort of thing.

Nr. 12400. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. Nachrichten aus Peking.

Tien-tsin, August 4, via Chefoo, August 6, 1900. (August 6.)

Nr. 12400. Grofs-britannien. 6. Aug. 1900.

(Telegraphic.) || News of Legation up to 1st August has been received by Japanese Consul. || This afternoon allied force will move out.

Nr. 12401. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Auswärtigen. Deutsche Note über die Ernennung des Grafen Waldersee zum Oberkommandeur von Chi-li.

Berlin, August 7, 1900. (August 7.)

Nr. 12401. Grofs-britannien. 7. Aug. 1900.

(Telegraphic.) || The following is a translation af a note verbale which was handed to me by Herr von Derenthall this afternoon: — || His Majesty the Emperor of Russia has stated to our Most Gracious Sovereign that it would afford him especial satisfaction to place the Russian troops operating in the Province of Chi-li under the supreme command of Field-Marshal Count Waldersee. His Majesty the German Emperor is ready to undertake the task thereby devolving upon him, as he has reason to assume that also other Governments besides Russia consider that a German supreme command would be of advantage; for example, the Japanese Government have given it to be understood that they would prefer a German supreme command to the supreme command of another Power more extensively interested in East Asiatic affairs. || The Government of His Majesty the German Emperor would be grateful for a communication as to the views held by Her Majesty's Government upon the subject of the supreme command, and as to the manner in which they would be disposed to connect the British troops in the Province of Chi-li, with the army operating under Field-Marshal Count Waldersee.

Nr. 12402. CHINA. — Kaiserliches Dekret über den Schutz der Legationen.

Peking, 2. August 1900. (8. August.)

Nr. 12402. China. 2. Aug. 1900.

In view of the existence of hostilities between certain Chinese subjects and foreign Powers caused by the anti-Christian feelings of the Chinese people, we have afforded reasonable protection to the foreign Representatives in Peking, and the Tsung-li Yamên has sent to the Legations letters of inquiries and proposals for their safe conveyance under escort to Tien-tsin, to avoid the apprehension of further attack from rebels before the complete restoration of peace and order in the capital. We have now, on the advice of Li Hung-chang and Lew Kwung Yih, to authorize Yung-lu to appoint beforehand, good and reliable high civil and military officials, with selected troops of soldiers for the purpose of escorting them from Peking to Tien-tsin as soon as they have fixed the date of departure. If there be any rebels en route trying to endanger the safety of the party, the officials in charge have to destroy the rebels at once, so as not to commit any blunder. || Before their departure from Peking, the freedom of telegraphic communication in plain words with their respective Governments, is hereby to be restored to the foreign Representatives, in order to show the candidness with which I have always treated them. || Respect this.

Nr. 12403. CHINA. — Der Vicekönig Li Hung-Tschang an den Gesandten in London. Bittet, den Marsch auf Peking einzustellen.

Shanghae, August 5, 1900. (August 8.)

Nr. 12403. China. 5. Aug. 1900.

(Telegraphic.) || The Imperial Edict of the 2nd August is the self-evident proof of the immediate conveyance of the foreign Representatives under escort to Tien-tsin. || Please ask Lord Salisbury to instruct the Commander-in-chief not to make any further advance, and wait for negotiations.

Nr. 12404. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die Lage in Peking seit dem 4. Juli.

Handed in Tsinan Yamen, August 7, 1900. (August 8.)

Nr. 12404. Großbritannien. 7. Aug. 1900.

(Telegraphic.) || Peking. — I received to-day, 3rd August, your telegram, undated, forwarded through the Chinese Minister.*) || State of affairs mentioned in my letter of 4th July continued until 16th July, when shell and cannon fire ceased, but rifle fire from Chinese positions held by Government troops and Boxers has continued intermittently ever since, but since then casualties have not been numerous. || The following British have been killed: — David

*) Nr. 12393. Red.

Nr. 12404. Grofsbritannien. 7. Aug. 1900.

Oliphant, Warren, Captain Strouts and Privates Scadding and Phillips, Royal Marines. Twenty-six British wounded, including Captains Halliday and Wray, Students Townsend and Peachey, and Morrison, „Times" correspondent. All the wounded doing well, except Marine Private Sawyer. Rest of British in Legation well. || Total killed in garrison 60, wounded 110. || Over 200 women and children refugees in this Legation. || We have strengthened our fortifications, and can hold out ten days unless severely attacked. || Chinese Government are trying to persuade foreign Envoys to leave Peking for Tien-tsin with wives and families. Remembering Cawnpore we have no intention of leaving unless under escort of European troops, and we are temporizing to gain time. || Up to date, Chinese Government have refused us permission to send cypher messages to our Governments.

Nr. 12405. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russ. Regierung acceptiert den Grafen Waldersee.

St. Petersburgh, August 8, 1900. (August 8.)

Nr. 12405. Grofsbritannien. 8. Aug. 1900.

(Telegraphic.) || Count Lamsdorff informs me that the services of Count Waldersee have been offered by the German Emperor to take the general command of the operations of the international forces in Pechili, and that the idea will meet with no objection on the part of the Russian Government.

Nr. 12406. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Verhandlung mit dem Tsung-li Yamen über den Aufbruch der Gesandten nach Tientsin.

Peking, August 4, 1900. (August 9.)

Nr. 12406. Grofsbritannien. 4. Aug. 1900.

(Telegraphic.) || [Figures of this Telegram communicated by Chinese Minister August 9.]

The Corps Diplomatique has to-day been informed by the Tsung-li Yamên that the foreign Governments have on many occasions asked the Chinese Ministers that we should leave Peking under sufficient escort. Yamên ask us, therefore, to fix the date of our departure from Peking, and to arrange conditions of departure. || We have answered that we are referring the matter to our Governments to have their instructions, without which we cannot leave our posts. || In order to allow us to leave in security, it is essential that foreign troops come to take us away, and that they should be in sufficient numbers to escort 800 Europeans, of whom 200 are women and children, 50 wounded, and more than 3000 native Christians whom we cannot leave here to be massacred. Under no conditions would it be safe to trust to a Chinese escort. || All the foreign Representatives are sending to their Governments the above telegram.

Nr. 12407. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an den Botschafter in Berlin. Annahme Waldersees.

Foreign Office, August 9, 1900.

Nr. 12407. Grofs-britannien. 9. Aug. 1900.

(Telegraphic.) || In reply to your telegram of the 7th instant, I have to state that, in the event of the Powers who have forces in Pechili determining to put these forces under the supreme direction of Count Waldersee, Her Majesty's Government will most gladly concur in that policy. The British Commanders will receive instructions in this sense; and Her Majesty's Government will view with great satisfaction an arrangement by which so distinguished a soldier is placed at the head of the international forces. || It will be necessary to draw up instructions which go more into detail if the project goes forward.

Nr. 12408. **GROSSBRITANNIEN.** — Der Gesandte in Japan an den Minister des Auswärtigen. Dasselbe.

Tokio, August 9, 1900. (August 9.)

Nr. 12408. Grofs-britannien. 9. Aug. 1900.

(Telegraphic.) || With reference to Sir F. Lascelles' telegram of the 7th August, a telegram has been received from the German Emperor by the Emperor of Japan with regard to Count Waldersee's appointment to supreme command. His Majesty has signified his consent in his reply.

Nr. 12409. **GROSSBRITANNIEN.** — Der Botschafter in Paris an den Minister des Auswärtigen. Dasselbe.

Paris, August 9, 1900. (August 9.)

Nr. 12409. Grofs-britannien. 9. Aug. 1900.

(Telegraphic.) || I have just seen the French Minister for Foreign Affairs at the funeral service for the King of Italy, and he declared that he knew nothing of the appointment of Count Waldersee as Commander-in-chief in China beyond what he had seen in the papers. He could not, in reply to my inquiry, give me any idea of what the French answer would be, and assured me that he could not see me again to-day, being occupied all the afternoon with the President.

Nr. 12410. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung des Grafen Lamsdorff mit dem chinesischen Gesandten.

St. Petersburgh, August 10, 1900. (August 10.)

Nr. 12410. Grofs-britannien. 10. Aug. 1900.

(Telegraphic.) || The telegram from Sir C. MacDonald of 4th August has been communicated to the Russian Government. || Count Lamsdorff told Mr. Hardinge, who saw him this afternoon, that he had just had a long

Nr. 12410. Grofsbritannien. 10. Aug. 1900.

interview with the Chinese Minister, and had spoken very strongly indeed to him, threatening that unless the Legations were immediately relieved from their present painful situation, the attitude of the Russian Government would change to one of hostility. || A proposal had been made by the Chinese Minister that the foreign Ministers, their families, and other Europeans, should leave Peking with an escort, commanded by a certain General (Count Lamsdorff had forgotten his name), and accompanied by certain distinguished Mandarins, whose presence with them should serve as a guarantee. || In reply, Count Lamsdorff said that if any harm whatever befell the Ministers, either in Peking or on their road to Tien-tsin, the Emperor of China and his Ministers would be held directly responsible; that he was not in a position to appreciate the value of the Mandarins who might be deputed to accompany the Ministers as a guarantee for their safety, since those in Power in Peking might select Mandarins whom they would be glad to get rid of, but that if the safe removal of the Ministers were sincerely desired by the Chinese Government, and an escort acceptable to the Ministers could not be provided by them, the very simple expedient remained for them of applying for a sufficient escort of international troops from the allied forces, who could escort the besieged foreigners to Tien-tsin, coming under the white flag to receive them as far as the walls of Peking, without entering the city. It was, in the meantime, absolutely incumbent on the Chinese Government, as an earnest of their good faith, to supply the Legations with any provisions they might wish for. || In reply, the Chinese Minister had promised that he would telegraph immediately and energetically to Peking in the above sense. || In Count Lamsdorff's opinion the transmission of cyphered messages by the Ministers from Peking is a promising sign, and his Excellency is hopeful that their departure may be successfully negotiated. || General Kuropatkine is convinced that it is impracticable for the allied forces to advance as far as Peking for another two or three weeks, and others possessing local knowledge share this view.

Nr. 12411. **CHINA.** — Li Hung-Tschang, Lew Kwung Yih, Chang Chih Tung, Sheng Suen Hwai an den Gesandten in London. Bitten keine Truppen in Schanghai zu landen.

Nanking Yamen, August 11, 1900. (August 11.)

Nr. 11411. China. 11. Aug. 1900.

(Telegraphic.) || In view of present disturbances in the north, through the foreign Settlements in Shanghae are to be protected by the Treaty Powers, yet the protection of the Yang-tsze Valley is the sole duty of the Viceroys, and we assure that no rebels could enter our jurisdiction without being crushed. || In addition to twenty foreign men-of-war now being stationed near Shanghae, of which the majority are English, we now hear that Great Britain is going to land at Shanghae 2000 Indian troops. This report has caused

great apprehension among the Chinese merchants and people, and they are now moving away from Shanghae, and the city is quite deserted. It is impossible to say that the people of other ports will not give a wrong interpretation of the state of affairs in Shanghae, and such a misinterpretation is sure to give rise to great complications and disturbances, which will greatly injure commercial interests. || We have to ask you to move Lord Salisbury to stop the proposed landing of such a big force.

Nr. 12411. China. 10. Aug 1900.

Nr. 12412. CHINA. — Kaiserliches Dekret über die Ernennung Li Hung-Tschangs zum Generalbevollmächtigten.

Peking, August 7, 1900. (August 11.)

The present hostilities between certain Chinese subjects and foreign nations are caused partly by the misunderstanding of the foreign Powers and partly by the mismanagement of the Chinese local authorities. It would be a misfortune to the whole world, and contrary to the wishes of China, should such a complication be allowed to evolve out by itself. || Let, therefore, Li Hung-chang be appointed as Minister Plenipotentiary, and negotiate by telegraph with the Secretaries of State for Foreign Affairs of Treaty Powers, to obtain first the suspension of hostilities, and then have the satisfactory settlements submitted to our approval of all the existing difficulties. || Respect this.

Nr. 12412. China. 7. Aug. 1900.

Nr. 12413. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Auswärtigen. Frankreich hat Waldersee noch nicht acceptiert.

Paris, August 11, 1900. (August 11.)

(Telegraphic.) || The Minister for Foreign Affairs informs me that he only received the official communication of the proposed appointment of Count Waldersee as Commander-in-chief, which formed the subject of your Lordship's telegram of 8th August, after he had seen me at the funeral service the day before yesterday. || In a matter of such moment no decision can be taken without a plenary meeting of the Cabinet in the presence of the President of the Republic, and as five of the Ministers are absent from Paris, no such Council can be held before the 14th instant, after the President's return from Marseilles. || I told his Excellency that Her Majesty's Government had accepted in principle, subject to the unanimity of the other Powers, and to the drawing up of such instruction as might be by them considered necessary after deliberation.

Nr. 12413. Grofsbritannien. 11. Aug. 1900.

Nr. 12414. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. In Peking hat das Feuer wieder begonnen.

Tien-tsin, August 8, via Chefoo, August 10, 1900. (August 12)

Nr. 12414. Grofsbritannien. 10. Aug 1900.

(Telegraphic.) ‖ A Messenger has just returned from Peking, having been unable to deliver despatches. He reports that he was there from the 1st to the 4th August, and that, until night of the 4th August, no firing took place. Then foreign troops opened fire and were replied to. No guns, however, were heard. ‖ On the 6th August Chinese troops were met in full retreat. General „Ma" was missing, supposed to have been killed or wounded. ‖ After audience of Empress-Dowager, Li-Ping-Heng had left Peking.

Nr. 12415. GROSSBRITANNIEN. — Das auswärtige Amt an den chines. Gesandten in London. Verbalnote über den Aufbruch der Gesandten nach Tientsin.

London, 12. August 1900.

Nr. 12415. Grofsbritannien. 12 Aug 1900.

The Chinese Minister at Petersburgh had proposed that the Legations and Europeans should leave Peking with an escort under the command of a Chinese General, and in company of certain distinguished Mandarins, whose presence would the Minister says, serve as a guarantee for the safety of the Ministers, their families, and other Europeans. ‖ Lord Salisbury is not in a position to appreciate the value of the security thus offered, but if the Chinese Government are sincere in their desire for the safe removal of the Ministers, and are unable to provide an escort acceptable to the Ministers, the Chinese Government should apply to the allied forces for a sufficient escort of the international forces, who, without entering the city, might come under the white flag as far as the walls of Peking to receive the besieged foreigners, and to escort them to Tien-tsin. ‖ Meanwhile it is absolutely incumbent on the Chinese Government, as an earnest of their good faith, to supply the Legations with such provisions as they may desire. ‖ Unless the Legations be immediately relieved from their present painful situation, the attitude of Her Majesty's Government towards the Chinese Government will be changed, and the Emperor of China and his Ministers, as well as all those concerned in any harm done to the Ministers and other Europeans, either in Peking or on their road to Tien-tsin, will be held directly responsible.

Nr. 12416. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russ. Regierung will erst Unterhandlungen mit China beginnen, wenn die Gesandten in Sicherheit sind.

St. Petersburgh, August 13, 1900. (August 13.)

Nr. 12416. Grofsbritannien. 13. Aug. 1900.

(Telegraphic.) ‖ The Chinese Minister has been desired by Count Lamsdorff to make it quite clear to the Government at Peking and to Li Hung-

chang that only when the Ministers and other Europeans now imprisoned in Peking are in a place of safety can the Russian Government enter into negotiations with the latter. || Further impossible that it was to trust the Central Government to protect them on their way to Tien-tsin since it has been unable to ensure their liberty and protection in Peking, and they should not, consequently, if sincere, place any obstacle in the way of the advance of a detachment of European troops to act as an escort; they should supply the Legations with provisions at once and the arrangements which it is proposed to make for the safe passage of the Ministers and other Europeans from the Legations into the care of the international detachment, and for having the road cleared of all armed forces likely to molest them should be communicated in detail. || I understand that a Circular, proposing a very similar course for their adoption, has been addressed by the Japanese to the European Governments and it is, in Count Lamsdorff's opinion, important that the language held to the Government at Peking and to Li Hung-chang by all the Governments interested should be very firm and identic. || The presence of so large a number Christian Chinese refugees with the Legations whom M. de Giers as well as M. Pichon report cannot be abandoned, does much, in Count Lamsdorff's opinion, to embarrass the situation. || It is important, he thinks, that the present advance should not be for hostilities but exclusively for relief and escort purposes and that this should be understood at Peking. We would be free to use other language when this has been accomplished and our Legations and the Europeans are in safety. || According to the Chinese Minister conveyances for the women and children and sick and wounded of the party could easily be obtained.

Nr. 12416. Grofsbritannien. 13. Aug. 1900.

Nr. 12417. **GROSSBRITANNIEN.** — Der Gesandte in Peking an den Minister des Auswärtigen. Lage noch bedroht.

Peking, August 10, via Shanghae, August 14, 1900. (August 14.)

Nr. 12417. Grofsbritannien. 14. Aug. 1900.

(Telegraphic.) || [The figures of this telegram were communicated by the Chinese Minister, 14th August.]

Li Hung-Chang, as stated in my telegram of yesterday, is appointed Plenipotentiary, with full powers to arrange all matters with the Foreign Offices of the Powers. || March of troops on Peking should not be delayed by any negotiations whatever. We are still being fired at daily, and our supplies are and have been entirely cut off, so that we must surrender unless we are shortly relieved.

Nr. 12418. **GROSSBRITANNIEN.** — Der Konsul in Tientsin an den Minister des Auswärtigen. Zusammensetzung der chinesischen Regierung.

Tien-tsin, via Chefoo, August 10, 1900. (August 15.)

Nr. 12418. Grofsbritannien. 10. Aug. 1900.

(Telegraphic.) || I am informed by the Japanese Consul that Hsu-ching-cheng and Yuan-chang were beheaded on the 29th July, and that Ministers

Nr. 12418. Grofsbritannien. 10. Aug. 1900.

of Yamên are now all Manchus. Also that the Viceroys of Canton, Nanking, and Wuchang have been impeached by Li-ping-heng. || Above-mentioned Li-ping-heng, I see in „Peking Gazette", was still in Peking on the 4th August and had been received in audience almost daily.

Nr. 12419. CHINA. — Li Hung-Tschang an den Gesandten in London. Bittet keine Truppen nach Peking zu senden.

Shanghae, August 15, 1900. (August 15.)

Nr. 12419. China. 15. Aug. 1900.

(Telegraphic.) || I hear that the allied forces are now approaching Thung-chow. || I have asked the Government to send High Commissioner to meet their Commander, and to make arrangements for the suspension of hostilities, and I will proceed to Peking also very soon. The Treaty Powers fully appreciate now the difficult position in which both the Emperor and Empress-Dowager are now situated. I strongly and most respectfully ask them to stop their forces at Thung-chow, and not to enter the city walls so as to terrify the Emperor and Empress-Dowager, to shed the blood of innocents, and to cause irreparable damages to the present dynasty, and to hurt the feelings of 400000000 of the Chinese population. All of them would feel most grateful to Lord Salisbury if his Lordship would consent to my humble request. || (The same request forwarded to Russia, France, Germany, America, and Japan.)

Nr. 12420. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Generalkonsul in Schanghai. Landung englischer Truppen in Schanghai.

Foreign Office, August 16, 1900.

Nr. 12420. Grofsbritannien. 16. Aug. 1900.

(Telegraphic.) || Landing of British force at Shanghae. || With reference to your telegram of 13th August: Admiral has been authorized to join with you in arranging for the disembarkation of troops, with the consent of the Chinese authorities, but without giving any guarantee as to the action of any other Power. This has been done in view of the evident feeling of the Consular Body that the presence of troops is desirable, and of communication received yesterday from the Viceroy, through the Chinese Minister here, withdrawing objections previously made.

Nr. 12421. GROSSBRITANNIEN. — Der Minister des Auswärtigen an die Botschafter und den Generalkonsul in Schanghai. Antwort auf Nr. 12419.

Foreign Office, August 16, 1900.

Nr. 12421. Grofsbritannien. 16. Aug. 1900.

(Telegraphic.) || In reply to Li Hung-chang's message, repeated to you in my immediately preceding telegram, I have to-day informed the Chinese Minister that, until the British Legation has been allowed to return to Tien-tsin under the escort of an adequate European force, Her Majesty's Government can enter into no such negotiations.

Nr. 12422. **GROSSBRITANNIEN.** — Der Botschafter in London an den Minister des Auswärtigen. Beschlufs der französischen Regierung über Waldersees Kommando.

Paris, August 17, 1900. (August 18.)

Nr. 12422. Grofs-britannien. 17. Aug. 1900.

(Extract.) || The terms of the French reply respecting the Command-in-chief in China of Count Waldersee are given in a communiqué published by the Havas Agency yesterday afternoon to the following effect:— || „The French Government has informed the German Government that as soon as Marshal von Waldersee shall have arrived in China, and shall have taken in the Councils of the Commanders of the International Corps d'Armée the eminent position due to his superior rank, General Voyron, the Commander of the French Expeditionary Corps will not fail to place his relations with the Marshal upon a proper footing.“ || The French expression used in the last sentence runs as follows: „ne manquera pas d'assurer ses relations avec le Maréchal.“

Nr. 12423. **GROSSBRITANNIEN.** — Der Konsul in Tschifu an den Minister des Auswärtigen. Einnahme Pekings.

Chefoo, August 17, 1900. (August 18.)

Nr. 12423. Grofs-britannien. 17. Aug. 1900.

(Telepraphic.) || According to intelligence brought by a Japanese torpedo-boat, just arrived from Taku, Peking was taken 16th August. The Legations are reported to have been safely relieved.

Nr. 12424. **CHINA.** — Li Hung-Tschang an den Gesandten in London. Verlangt Eröffnung der Verhandlungen.

Shanghae, August 19, 1900. (August 20.)

Nr. 12424. China. 19. Aug. 1900.

(Telegraphic.) || Treaty Powers all declared that the sole object of their advancing forces to Peking was to rescue their Ministers. Now they have realized their object; the allied forces are now in Peking, and they find their Ministers, staffs, &c., all well and unharmed. The cessation of hostilities and the conferences for the settlement of all difficulties could now be arranged. || I have therefore to request the British Government to appoint their Plenipotentiary, or to give full power to their Representative in Peking, to open the negotiations. || I will proceed to Peking as soon as I get a definite information from the British Government. || The same application to the American, Japanese, Russian, German, and French Governments. || Please convey the above message to Lord Salisbury, and request a reply.

Nr. 12425. CHINA. — Die Vicekönige von Liang Kiang und Liang Hu an den Gesandten in London. Garantieren für die Ruhe in ihren Provinzen.

Nanking, August 20, 1900. (August 20.)

Nr. 12425. China. 20. Aug. 1900.

(Telegraphic.) || Please convey to Lord Salisbury our assurances that we and other Viceroys and Governors will always held ourselves responsible for the maintenance of peace and order of the provinces in the south and east of China within our jurisdictions to afford protection as agreed upon. || When we heard the report that their Majesties the Emperor and the Mother-Empress were still in Peking when the allied forces entered the city, we requested, through the Consular Body, the Powers not to give their Majesties the slightest alarm, and proposed a certain condition for an answer within two days for the sole object to gratify the hope of all the Chinese subjects. But it is now known that their Majesties had left Peking before the arrival of the allied forces. We now make the above assurance once more.

Nr. 12426. GROSSBRITANNIEN. — Der Konsul in Tientsin an den Minister des Auswärtigen. Flucht des chines. Kaisers und der Kaiserin-Witwe.

Tien-tsin, August 20, 1900. (August 23.)

Nr. 12426. Grofsbritannien. 20. Aug. 1900.

(Telegraphic.) || The Japanese Consul has received intelligence of the capture of gates of Imperial city in Peking on the 17th August, and flight of Emperor, Empress-Dowager, and Court. The Japanese are said to have rescued foreign missionaries imprisoned in Palace.

Nr. 12427. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die chinesische Armee mufs zertrümmert werden.

Peking, viâ Taku, August 24, 1900. (August 24.)

Nr. 12427. Grofsbritannien. 24. Aug. 1900.

(Telegraphic.) || The situation here is very complicated. The whole of the city, except the Palace, which is believed to be undefended, has been occupied by the allied force. Chinese Government makes no sign; Chinese army still exists in vicinity, also large numbers of Boxers. Telegraph wire repeatedly cut, and other communications with Tien-tsin irregular and uncertain. Rumours of intended attacks are prevalent. || It is useless to attempt serious negotiations with the Chinese Government until the Chinese military power is disheartened and completely crushed, and communications with Tien-tsin are made thoroughly secure.

Nr. 12428. **VEREINIGTE STAATEN.** — Der Botschafter in London an den englischen Minister des Auswärtigen. Über die Verhandlung mit Li Hung-Tschang. Ansicht Rufslands und der Vereinigten Staaten.

American Embassy, London, August 27, 1900. (August 27.)

Nr. 12428. Vereinigte Staaten. 27. Aug. 1900.

My Lord, || I have the honour to inform your Lordship, under instructions from my Government, that a note was received by it from the Chargé d'Affaires of the Russian Embassy at Washington, dated the 17th instant, stating that he had received a communication from his Government informing him of a Resolution of the Admirals of the allied fleets in China interdicting the Plenipotentiary of the Chinese Government, Earl Li Hung-chang, from all communication with the Chinese authorities, in the event of his arrival at Taku. || The note further stated that, inasmuch as this Resolution was inexplicable, in view of the fact that all the Powers had recognized the utility of admitting the services of Earl Li Hung-chang in the eventual negotiations for peace, and that it would be impossible for the latter to fulfil his mission in the character of Chinese Plenipotentiary if he were denied communication with the officials of his Government, it would be desirable that the interested Governments should give orders to countermand the above-mentioned decision of the Admirals. || Upon receipt of this note, my Government made inquiry of Admiral Remey, commanding the American fleet at Taku, and at first received from him the answer that no such Resolution had been adopted. He afterwards, however, cabled that the Admirals had agreed to write to the dean of the Legations in Peking for instructions, in case Earl Li Hung-chang should arrive at Taku, and meanwhile not to allow the latter to communicate with the Chinese shore authorities. From this last proposition Admiral Remey dissented. || My Government holds the same view as that expressed in the note of the Russian Chargé d'Affaires. In the interests of peace, and in order that the just demands of all the Powers against China may be effectively presented, it would seem important that the Chinese Plenipotentiary should be able to communicate both with his own Government and with its Military Commanders, whose action will be necessary to any suspension of hostilities. || The Chinese Minister at Washington is without any powers or advices. Earl Li Hung-chang is primâ facie authorized by Imperial Decree to negotiate, and is the only representative of responsible authority in China, so far as my Government has been advised. My Government has therefore instructed its Representatives in China in the spirit of the Russian note above mentioned. || The United States' Government would deem any misunderstanding or divergent action on this subject by the Representatives of the Powers in China a misfortune, and would be glad to learn from other Powers if there are reasons not known to it which, in their judgment, should lead to a view different from that which it takes.

Nr. 12428. Vereinigte Staaten. 27. Aug. 1900.

I am therefore instructed to lay this matter before your Lordship, and to express the desire of my Government to be informed, at as early a date as may be convenient, of your Lordship's views on the subject.

Nr. 12429. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Sollen die Verhandlungen mit Li Hung-Tschang beginnen?

Peking, August 28, 1900. (August 28.)

Nr. 12429. Grofsbritannien. 28. Aug. 1900.

(Telegraphic.) || With reference to your Lordship's telegram informing me of Li Hung-chang's telegraphic message, I have the honour to report that he is said to be on his way to Peking. M. de Giers, the Russian Minister, appears to be disposed to open negotiations with him. || I think that we must ask him to produce fresh powers. Those he possesses were given him by telegraph, and their probable object was to arrest the occupation by force of Peking. They may, therefore, possibly no longer be valid. || To delay negotiations would not, in my opinion, entail any loss upon us, seeing that it will not be possible for some time to come to arrive at a general settlement. || The punishment of those taking a prominent part in the recent outbreak against foreigners is of great importance in its bearing on the future. Unless severe punishment is inflicted on individuals — the Boxer movement being far from crushed — it will only be a question of time for a recurrence of the present crisis.

Nr. 12430. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Aufenthalt des Kaisers von China und der Kaiserin-Witwe.

Shanghae, August 29, 1900. (August 29.)

Nr. 12430. Grofsbritannien. 29. Aug. 1900.

(Telegraphic.) || I have the honour to add, in continuation of my telegram of the 27th instant, that information from the same source states that the Emperor and Empress-Dowager have arrived at Tayuan, the capital of Shansi. They arrived there on the 26th, and purpose to remain there for the time being. || I have communicated the above to the General Officer Commanding the forces, and am repeating to Tôkiô.

Nr. 12431. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russ. Regierung ist für eine baldige Räumung Pekings.

St. Petersburgh, August 29, 1900. (August 29.)

Nr. 12431. Grofsbritannien. 29. Aug. 1900.

(Telegraphic.) || I had a conversation with Count Lamsdorff to-day, in which his Excellency urged on me very strongly the Emperor's views as to the necessity for the allied troops and the Legations to evacuate Peking

promptly and retire to Tien-tsin. || A Circular telegram expressing these views has been sent to Her Majesty's Government and to the other Governments interested, communicating the considerations on which they were based, and the instructions accordingly sent to M. de Giers and the Russian General at Peking. Count Lamsdorff trusts that these views may be found to be in accordance with those of Her Majesty's Government. || His Excellency did not conceal from me the serious fears he entertained with regard to the danger of confiding to a small international force, which had proved sufficient for its declared object of relieving the Legations, the additional task involved in the re-establishment and maintenance of order in Peking, where no Chinese Government exists at present, and where, as long as the troops of the foreign Powers remain, none is likely to exist. || It is solemnly declared in the Circular that His Imperial Majesty has firmly decided to evacuate all points on Chinese territory temporarily occupied by his troops as soon as the restoration of relations and order has been effected; and, further, that control over the railway lines now provisionally held, as well as the Customs at Newchwang, will be given up, and handed over again to their former management. || Instructions have been received by my French and Italian colleagues to point out to the Russian Government the possibly dangerous consequences that might ensue from the withdrawal from Peking of the international forces and the Missions. I understand, however, that the Russian General and Minister have received positive instructions, and Count Lamsdorff holds that complications even more serious and dangerous might be brought about by the prolonged presence at Peking of the international troops than by their withdrawal. His Excellency's opinion is that when the Emperor and Empress-Dowager have returned to Peking, the allies will be able to conduct more successful negotiations with them from their position at Taku and Tien-tsin.

Nr. 12431. Grofsbritannien. 29. Aug. 1900.

Nr. 12432. **VEREINIGTE STAATEN.** — Der Staatssekretär des Auswärtigen an den Botschafter in London. Verhandlung mit Rufsland über die chinesische Krisis. (Der engl. Regierung mitgeteilt durch Mr. Choate am 30. August.)

August 29, 1900.

The Russian Chargé yesterday afternoon made to me an oral statement respecting Russia's purposes in China to the following effect: that, as already repeatedly declared, Russia has no designs of territorial acquisition in China; that, equally with other Powers now operating there, Russia has sought safety of Legation at Peking, and to help the Chinese Government to repress the troubles; that, incidentally to necessary defensive measures on Russian border, Russia has occupied Newchwang for military purposes, and as soon as order is re-established will retire troops therefrom, if action of other Powers be no

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obstacle thereto; that the purpose for which the various Governments have co-operated for relief of Legations in Peking has been accomplished; that, taking the position that as the Chinese Government has left Peking there is no need for her Representative to remain, Russia has directed Russian Minister to retire with his official personnel from China; that the Russian troops will likewise be withdrawn; and that, when the Government of China shall regain the reins of Government and afford an authority with which the other Powers can deal and will express desire to enter in negotiations, the Russian Government will also name its Representative, holding these views and purposes. Russia expresses hope that the United States will share the same opinion to this declaration. Our reply has been made by the following Memorandum:—

„The Government of the United States receives with much satisfaction the reiterated statement that Russia has no designs of territorial acquisition in China, and that, equally with the other Powers now operating in China, Russia has sought the safety of her Legation in Peking, and to help the Chinese Government to repress the existing troubles. The same purposes have moved, and will continue to control, the Government of the United States, and the frank declarations of Russia in this regard are in accord with those made to the United States by the other Powers. All the Powers, therefore, having disclaimed any purpose to acquire any part of China, and now that adherence thereto has been renewed since relief has reached Peking, it ought not to be difficult by concurrent action through negotations to reach an amicable settlement with China, by which the Treaty rights of all the Powers will be secured for the future, the open door assured, the interests and property of foreign citizens conserved, and full reparation made for wrongs and injuries suffered by them. || „So far as we are advised, the greater part of China is at peace, and earnestly desires to protect the life and property of all foreigners, and in several of the provinces active and successful efforts to suppress the Boxers have been taken by the Viceroys, to whom we have extended encouragement through our Consuls and naval officers. This present good relation should be promoted for the peace of China. || „While we agree that the immediate object for which the military forces of the Powers have been co-operating, viz., the relief of the Ministers at Peking, has been accomplished, there still remain the other purposes, which all the Powers have in common, which are referred to in the communication of the Russian Chargé, and which were specially enumerated in our note to the Powers of the 3rd July. These are to afford all possible protection everywhere in China to foreign life and property; to guard and protect all legitimate foreign interests; to aid in preventing the spread of the disorder to other provinces of the Empire, and a recurrence of such disorders; and to seek a solution which may bring about permanent safety and peace to China, preserve Chinese territorial and administrative entity, protect all rights guaranteed by Treaty and international law to friendly Powers, and safeguard for the world the principle of equal and

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impartial trade with all parts of the Chinese Empire. In our opinion these purposes could best be attained by the joint occupation of Peking, under a definite unterstanding between the Powers, until the Chinese Government shall have been re-established, and shall be in a position to enter into new Treaties, with adequate provisions for reparation and guarantees of future protection. With the establishment and recognition of such authority, the United States would wish to withdraw its military forces form Peking, and remit to the processes of peaceful negotiation our just demands. || „We consider, however, that a continued occupation of Peking would be ineffective to produce the desired result, unless all the Powers unite therein, with entire harmony of purpose. Any Power which determines to withdraw its troops from Peking will necessarily proceed thereafter to protect its interests in China by its own method, and we think that this would make a general withdrawal expedient. As to the time and manner of withdrawal, we think that, in view of the imperfect knowledge of the military situation resulting from the interruptions of telegraphic communication, the several Military Commanders at Peking should be instructed to confer and agree together upon the withdrawal as a concerted movement, as they agreed upon the advance. The result of these considerations is that, unless there is such a general expression by the Powers in favour of continued occupation as to modify the views expressed by the Government of Russia, and lead to a general agreement for continued occupation, we shall give instructions to the Commander of the American forces in China to withdraw our troops from Peking, after due conference with the other Commanders as to the time and manner of withdrawal. || „The Government of the United States is much gratified by the assurance given by Russia that the occupation of Newchwang is for military purposes, incidental to the military steps for the security of the Russian border provinces menaced by the Chinese, and that as soon as order shall be re-established Russia will retire her troops from these places, if the action of the other Powers be not an obstacle thereto. No obstacle in this regard can arise trough any action of the United States, whose policy is fixed, and has been repeatedly proclaimed. Signed. Dated 29th August."

You will communicate the foregoing to the Minister for Foreign Affairs, and invite early consideration and response.

Nr. 12433. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Landung französischer Truppen.

Shanghae, August 30, 1900. (August 30.)

Nr. 12433. Grofsbritannien. 30. Aug. 1900.

(Telegraphic.) || To-day a French force consisting of 600 marines, one mountain battery, and one company of Annamites was landed here. The Japanese are acquiring quarters for troops, and other Powers also will probably land men.

Nr. 12434. GROSSBRITANNIEN. — Der Botschafter in Paris an den Minister des Auswärtigen. Ansicht der französ. Regierung über Nr. 12432.

Paris, August 31, 1900. (August 31.)

Nr. 12434. Grofsbritannien. 31. Aug. 1900.

(Telegraghic.) || I have asked M. Delcassé his views with regard to the communications made by the Russian, the American, and the Japanese Governments. || His Excellency replied that from the outset of the trouble in China France and Russia had gone hand in hand, and that it was hardly necessary, therefore, for him to add that France approved the declaration of policy made by Russia, and adopted it as far as it was applicable to French interests. || His Excellency considers that the practical part of the proposal made by the United States' Government deals chiefly with the withdrawal of their troops from Peking. He agrees in the opinion that such a withdrawal would be expedient if it would facilitate and accelerate the commencement of negotiations for peace, and if it could be effected without the appearance of a retreat (which would compromise European prestige in the eyes of the Chinese). The question, however, was one which could only be settled by the Commanders of the foreign contingents on the spot; but as the troops would probably only be transferred to Tien-tsin, it might be hoped that the Chinese would not be hereby encouraged to look upon the Europeans as worsted. || Of the Japanese suggestion as to the return of the Emperor and of the Empress-Dowager M. Delcassé had not heard. || Briefly, the view of the French Government is that the chief object to be pursued is to terminate the present situation as expeditiously as possible, but to do this the establish ment of a really responsible Government is essential. M. Delcassé believes, from the report furnished by M. Decrais of his interview with your Lordship, that you are of the same opinion. || His Excellency laid great stress upon the necessity that the Chinese negotiators should produce credentials indisputably valid.

Nr. 12435. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Gesandten in Peking. Über die Boxer, ob die Gesandten in Peking bleiben sollen.

Foreign Office, August 31, 1900.

Nr. 12435. Grofsbritannien. 31. Aug. 1900.

(Telegraphic.) || It has been intimated by the Russian Government that the rescue of the Legations in Peking was the most important object of the Russian programme, and that the attainment of this object had been effected, The rendering of assistance to the Central Chinese Government in the re-establishment of order and in the restoration of regular relations with the Powers was the second object which the Russian Government had in view. This object was hindered for the moment by the Emperor, Empress-Dowager, and Chinese Government having left Peking. || The Russian Government in these circumstances saw no reason for their Legation to remain in Peking accredited to an absent Government, and now proposes to withdraw M. de Giers, as

well as the staff of the Legation to Tien-tsin, accompanied by the Russian troops. In view of the decision which has been arrived at and which has been expressed by Russia many times, viz., not to exceed the limits of the task which she had taken in hand at the commencement of the disorders, their presence at Peking now becomes useless. The moment, however, that the reins of power have been resumed by the legitimate Government of China, and Representatives have been nominated, furnished with full powers sufficient to carry on negotiations, the Russian Government would, in concert with other States, proceed to appoint Representatives for that purpose. || Please report whether you have heard anything of this resolution so announced, and whether any preparations are being made to carry it out? || Is it expedient, in your opinion, that a similar course should be taken with regard to the British Legation? || Would future negotiations be impeded if you were to withdraw to Tien-tsin? Do you consider it likely that a similar course will be adopted by the other Powers?

Nr. 12435. Grofsbritannien. 31. Aug. 1900.

Nr. 12436. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Vorbereitung zur Landung deutscher Truppen.

Shanghae, September 1, 1900. (September 1.)

(Telegraphic.) || Preparations were being made here for the accomodation of 2000 German troops. The German Minister and the United States' Commissioner, Mr. Rockhill, who has just arrived here, had interviews tho-day with Li Hung-chang.

Nr. 12436. Grofsbritanninn. 1. Sept. 1900.

Nr. 12437. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Berlin. Dasselbe.

Foreign Office, September 1, 1900.

(Telegraphic.) || By order of the Emperor the German Embassy has made a communication to the following effect:— || Orders have been given by the Emperor for two companies of the German East Asiatic Corps, about 500 men, to be landed at Shanghae. His Majesty lays stress on the fact and wishes Her Majesty's Government to understand that the object of the landing is not anti-British, but to support the policy of Her Majesty's Government in defending Shanghae and in maintaining order.

Nr. 12437. Grofsbritannien. 1. Sept. 1900.

Nr. 12438. CHINA. — Der Gesandte in London an den englischen Minister des Auswärtigen. Li Hung-Tschang bittet um Eröffnung der Verhandlungen.

3. September 1900.

The purport of a telegram from his Excellency Li Hung-chang, under date Shanghae, the 2nd September, 6.45 A. M., received by Sir Chihchen Lofêngluh in London at 9 A. M. the same day:— || „Have received by telegraph

Nr. 12438. China. 3. Sept. 1900.

Nr. 12438. China. 3. Sept. 1900.

an Imperial Decree from His Majesty the Emperor of China, under date the 19th August, urging me, as Plenipotentiary, to propose to open peace negotiations with the Treaty Powers. || „I memorialized, as per telegram under date 26th August, to the Throne for the appointment of Prince Ching, Yung Lu, and the Viceroys Lew Kwung Yih and Chang Chih Tung as co-Plenipotentiaries, and have now to request the Ministers resident at the different Courts to make the necessary explanations, and to use their efforts to persuade the Foreign Offices in favour of opening the peace negotations as soon as possible.''

Nr. 12439. GROSSBRITANNIEN. — Der Minister des Auswärtigen an die engl. Botschafter. Eine bestimmte Stellung zu den russischen Vorschlägen ist unmöglich.

Foreign Office, September 3, 1900.

Nr. 12439. Grofsbritannien. 3. Sept. 1900.

(Telegraphic.) || Circular communication made by the Russian Government to the Powers and reply by the American Government. || You should inform the Government to which you are accredited that no answer has yet been received by Her Majesty's Government to the communication which they have addressed to their officers at Peking. They are not able to form a confident judgment on the important questions raised in the Russian Circular, until further information reaches them from Her Majesty's Minister and from the General Commanding the British forces in that city.

Nr. 12440. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Botschafter in Berlin. Landung deutscher Truppen in Schanghai.

Foreign Office, September 3, 1900.

Nr. 12440. Grofsbritannien. 3. Sept 1900.

(Telegraphic.) || Referring to my telegram of the 1st instant respecting the proposed landing of German troops at Shanghae, I have informed the German Embassy that I do not consider that the landing of the forces mentioned would be in any way unfavourable to the policy of Her Majesty's Government, and I have at the same time expressed through the German Embassy my thanks for the courteous communication made to me by the Emperor's direction.

Nr. 12441. GROSSBRITANNIEN. — Der Botschafter in Petersburg an den Minister des Auswärtigen. Unterredung mit Lamsdorff über Nr. 12439.

St. Petersburgh, September 5, 1900. (September 5.)

Nr. 12441. Grofsbritannien. 5. Sept. 1900.

(Telegraphic.) || The substance of your telegram of 3rd September has been communicated to Count Lamsdorff, who quite understands our desire for fuller information of position at Peking before deciding our course of action. ||

Information is also anxiously awaited from the Russian Minister and General, together with their acknowledgment of receipt of their instructions. || In the meantime, while paying full tribute to the pacific sentiments and aims set forth in the Russian Circular, the answers from other Governments, including Germany, have not expressed entire agreement as to expediency of immediate withdrawal from Peking of the foreign troops, as well as the Legations and Europeans. || Count Lamsdorff seems scarcely to have expected a prompt agreement, and says that the object of the Circular was not to influence judgment of other Powers, but to give them early intimation of the course which the Emperor, while continuing to operate cordially with the other Powers in aims and objects agreed upon, has decided to follow as regards his own troops. || No precise date has been fixed for the withdrawal of these troops. The General is to take into consideration local conditions, and communicate with other Commanders, but to withdraw from Peking as soon as practicable, even without waiting for others. || The considerations which the United States' and other Governments urged against evacuating Peking now would, in Count Lamsdorff's opinion, be equally applicable to evacuation at any later date. || The continued presence of foreign troops in the capital would prevent the Emperor of China from returning and any recognizable national Government being set up, and the allied forces can scarcely wish to police the capital permanently, but to open diplomatic negotiations with some duly accredited Plenipotentiary of a legal Government as soon as possible. || He maintains his opinion that the Powers could do this more effectually by concentrating their forces in strength at Tien-tsin and Taku in touch with the coast, and by their Governments leaving perhaps detachments near Peking, gradually restoring and securing the line of communications, if necessary, up to the walls of the capital, so that the formidable force which will then have been collected under the leadership of the German Commander-in-chief would be able to promptly enforce the demands of the allies if negotiations fail, and if the formal declaration of hostilities with ulterior measures becomes unavoidable.

Nr. 12441. Grofsbritannien. 5. Sept. 1900.

Nr. 12442. **GROSSBRITANNIEN.** — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Bemühungen des chinesischen Gesandten in Petersburg um die Rückkehr des Kaiserhofs nach Peking.

Shanghae, September 7, 1900. (September 7.)

(Telegraphic.) || The Chinese Representative at St. Petersburgh has telegraphed to Li Hung-chang urgently begging him to send a Memorial to the Throne through the Governor of Shensi (the person most likely to know where the Court is to be found), in the following terms:— || An Edict should be issued to show China's severity and ability to maintain order when the European

Nr. 12442. Grofsbritannien. 7. Sept. 1900.

Nr. 12442. Grofsbritannien. 7. Sept. 1900.

troops are withdrawn; announcing the intention of the Emperor and Empress-Dowager to return to Peking shortly, and the task of restoring order in the capital should be intrusted to capable officials. || He thinks that the adoption of this course would allay the apprehensions of the allies who would consent to the withdrawal of their troops from Peking.

Nr. 12443. GROSSBRITANNIEN. — Der Gesandte in Japan an den Minister des Auswärtigen. Ansicht der japan. Regierung über die russischen Vorschläge.

Tokio, September 7, 1900. (September 7.)

Nr 12443. Grofsbritannien. 7. Sept. 1900.

(Telegraphic.) || In reply to the Russian Government's Circular communication, Viscount Aoki handed a Memorandum to-day to the Russian Minister, the substance of which is as follows:— || „The Japanese Government before coming to a decision as to the withdrawal of the whole of their troops from Peking, intend to recall that portion which may be deemed tactically superfluous, or which is in excess of the number actually required. || „They think it would be prudent for the Powers to continue jointly exercising their military pressure in Chih-li for some time longer, with a view to restoring tranquillity and order in that province. || „In view of Japan's proximity to North China, it will be relatively easy for her in case of need to send troops again, and therefore the Imperial Government feels assured that no bad results will be caused by the measures which they propose to take. || „They further declare that, while consenting, in certain eventualities, to the temporary withdrawal of their Legation, they will always be prepared to co-operate with the Powers concerned in any further action which, in the common interest, they may deem necessary." || I have repeated the above to Sir Claude MacDonald, through Shanghae.

Nr. 12444. GROSSBRITANNIEN. — Der Botschafter in Rom an den Minister des Auswärtigen. Antwort der italien. Regierung auf die russischen Vorschläge.

Rome, September 7, 1900. (September 7.)

Nr. 12444. Grofsbritannien. 7. Sept. 1900.

(Telegraphic.) || The Italian answer, which has been shown to me by the Russian Chargé d'Affaires, is to the following effect:— || Italy does not object in principle to the removal of Her Minister to Tien-tsin, but wishes to have his opinion before instructing him. || The opinion is expressed that a previous understanding is desirable before withdrawal from Peking. || If, however, a final decision has been taken by Russia, Italy hopes that she will act in concert with the Powers on all future questions. || In regard to the withdrawal of troops, Italy will await reports from Commander, but fears the withdrawal would encourage the Chinese to resist.

Nr. 12445. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Zahl der fremden Truppen in Peking.

Peking, September 2, 1900. (September 10.)

Nr. 12445. Grofsbritannien. 2. Sept. 1900.

(Telegraphic.) || At a meeting of the Generals the Russian General officially announced that he was instructed to keep 15 000 men in Peking during the winter. The German General made a similar statement. The Japanese General stated that he was instructed to keep 20 000 men there.

Nr. 12446. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Die Abreise der Gesandten ist nicht rätlich.

Peking, September 4, 1900. (September 10.)

Nr. 12446. Grofsbritannien. 4. Sept. 1900.

(Telegraphic.) || At a meeting of foreign Ministers to-day the Russian Minister announced that he had been instructed that, as no properly-constituted Government existed at Peking, he was to proceed to Tien-tsin, and await further instructions. || Seeing that Prince Ching is now in Peking under orders from the Emperor, and as it is believed he has full powers to negotiate, the withdrawal of the foreign Ministers would be a mistake.

Nr. 12447. CHINA. — Li Hung-Tschang an den Gesandten in London. Will nach Peking aufbrechen.

Shanghae, September 9, 1900. (September 10.)

Nr. 12447. China. 9. Sept. 1900

(Translation.) || (Telegraphic.) || I have received from the Privy Council the communication of the following Imperial Decree, dated Ta-Tung-fuh, Shansi, August 27, 1900: — || „We hereby summon the Grand Secretary Li Hung-chang, who has been furnished with full powers to negotiate with the Plenipotentiaries of the allied Powers, to come, without delay, to Peking, in order to co-operate with Prince Ching in the transaction of important State affairs. Respect this.“ || The Privy Council has been commanded by a former Imperial Decree to instruct Sir Robert Hart, the Inspector-General of the Imperial Maritime Customs, to apply to the allied Commanders-in-chief for an escort to accompany your Excellency from Shanghae to Peking. || In obedience to the Imperial command, I shall shortly leave Shanghae, and you are to request Lord Salisbury to be so good as to issue the necessary telegraphic instructions to the Commanders of Her Majesty's marine and land forces at Taku, Tien-tsin, and Peking, to afford me their protection. The Chinese Ministers at other Courts have been instructed to make communications to the Governments to which they are severally accredited in the same sense.

Nr. 12448. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an den Botschafter in Petersburg. Ablehnung der Räumung Pekings.

Foreign Office, September 10, 1900.

Nr. 12448. Grofs-britannien. 10.Sept.1900.

(Telegraphic.) || Withdrawal of British forces from Peking. || You should inform Russian Government that communications have been received by Her Majesty's Government from their officers in the Far East in a somewhat imperfect form. Without forecasting the course which it will be expedient to pursue in the future, Her Majesty's Government are of opinion that the time when it would be expedient to withdraw the British forces from Peking has not arrived.

Nr. 12449. **GROSSBRITANNIEN.** — Der Botschafter in Petersburg an den Minister des Auswärtigen. Die russ. Truppen in Peking.

St. Petersburgh, September 11, 1900. (September 11.)

Nr. 12449. Grofs-britannien. 11.Sept.1900.

(Telegraphic.) || The statement made by the Russian General at Peking, reported in Sir C. MacDonald's telegram of the 2nd instant, must be in reference to some orders previously given him by the Russian Commander-in-chief in China. Positive instructions to withdraw were dispatched to the Russian General on the 25th August. He has not yet acknowledged their receipt, and M. de Giers, in a telegram dated the 2th September, expresses his surprise that his numerous requests to be furnished with general instructions should have remained unanswered. || The Russian Foreign Office have already dispatched six messages to their Minister, and have caused these to be repeated to Taku, so that they should be transmitted to their Legation at Peking.

Nr. 12450. **GROSSBRITANNIEN.** — Derselbe an Denselben. Unterredung mit dem russischen Minister über Nr. 12448.

St. Petersburgh, September 11, 1900. (September 11.)

Nr. 12450. Grofs-britannien. 11.Sept.1900.

(Telegraphic.) || I called to-day on Count Lamsdorff, and made to him the communication contained in your Lordship's telegram of yesterday's date. || In reply, his Excellency begged me to make it quite clear to Her Majesty's Government that the different course decided upon as regards the Russian troops was not in any way to be taken as indicating the slightest intention of separating the general action and policy of Russia in China from those of the Powers who might prefer to keep their detachments in Peking. It was, however, considered desirable to have the Russian troops as well as the Russian Minister as soon as possible in a position where communication with their Government would be easy and rapid. || He assured me that, on the contrary, the Emperor was more firmly determined than ever to continue in loyal co-

operation with all the other Powers and to abide by his agreement with them as to common aim and direction, and the Russian action and aims would be faithfully kept within the limits of the statement made in Count Lamsdorff's Circular communicated to the Powers. || He assured me, further, that there was nothing more foreign to the Emperor's mind than to entertain the selfish aims or motives for his action which certain foreign newspapers had credited him with. || The Chinese Minister in St. Petersburgh has been requested by Count Lamsdorff to impress on Li Hung-chang as well as on the Emperor of China a firm conviction of the entire solidarity of the views of Russia and of other Governments, and to warn them seriously against interpreting the departure of Russian forces from Peking as in any way indicating the slightest separation of her action in exerting common pressure on the Chinese Government from that of other Powers. || When doing so, however, he appears to have expressed a personal opinion that an early withdrawal from Peking of the other foreign forces would be facilitated by a prompt return of the Imperial Court to the capital. || I gathered from Count Lamsdorff that as far as had as yet been decided, the German and Japanese Governments were not prepared to withdraw their forces from Peking at present, but that the American and French Governments would withdraw their Legations and forces as soon as the Russians withdrew theirs.

Nr. 12450. Grofsbritannien. 11. Sept. 1900.

Nr. 12451. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an die englischen Botschafter, Gesandten in Japan und China und den Generalkonsul in Schanghai. Frankreich stimmt Rufsland zu.

Foreign Office, September 13, 1900.

(Telegraphic.) || I am informed that the French Government will act in accordance with the Russian proposal, to which they adhere.

Nr. 12451. Grofsbritannien. 13. Sept. 1900.

Nr. 12452. **GROSSBRITANNIEN.** — Der Minister des Auswärtigen an die englischen Botschafter. Mitteilung über die russische Politik.

Foreign Office, September 14, 1900.

(Telegraphic.) || A communication has been made by the Russian Government respecting their intentions, of which the following is a summary. || It had been their first object to protect Russian Legation and nationals in Peking, their second to assist the Chinese Government to restore order. || The Russian Government adhere to the principles communicated to you in my telegram of the 20th July. || Russia had been forced to occupy Newchwang and send troops to Manchuria by the progress of events, such as the attack on Russian troops at Newchwang and the hostilities of Chinese along the Russian frontier, including the bombardment of Blagovestchensk. || Russia will withdraw from Chinese

Nr. 12452. Grofsbritannien. 14. Sept. 1900.

Nr. 12452. Grofsbritannien. 14.Sept.1900.

territory when the pacification of Manchuria is attained and the security of the railroad assured, provided such action does not meet with obstacles caused by the proceedings of other Powers. || The inviolability of the rights of foreign States and international Companies in Newchwang and in the railways repaired by Russian troops is to be maintained. || The first object had been effected by the rescue of the Legations. || The departure from Peking of the Emperor, Empress-Regent, and Tsung-li Yamên, to whom Minister is accredited, had temporarily hindered the second object. || It is therefore proposed by the Russian Government to withdraw to Tien-tsin their Minister, his staff, and the Russian troops. || Russia will, in concert with other States, appoint Representatives to negotiate, when the legitimate Chinese Government resume power and nominate Plenipopentiaries.

Nr. 12453. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Gesandten in Peking. Prinz Ching begehrt Eröffnung der Verhandlungen.

Foreign Office, September 18, 1900.

Nr. 12453. Grofsbritannien. 18.Sept.1900.

(Telegraphic.) || The following telegram from Prince Ching has been communicated by the Chinese Minister:— || „The allied forces occupy Peking. The Emperor and the Mother-Empress left for the west. I am now invested with full powers to act as co-Plenipotentiary to his Excellency the Grand Secretary Li Hung-chang to open peace negotiations with foreign Powers. Please request Lord Salisbury, in taking into consideration the amicable relations existing between us, to be so good as to empower Sir C. MacDonald to negotiate with us as soon as possible so as to confer the benefits of peace upon humanity at large.“ || Do you think it desirable to assent to Prince Ching's request?

Nr. 12454. CHINA. — Die Vicekönige an den Gesandten in London. Kaiserliches Dekret gegen die Boxer.

Nanking, September 19, 1900. (September 20.)

Nr. 12454. China. 19.Sept.1900.

(Telegraphic.) || An Imperial Edict has been issued to exterminate the Boxers. || The foreign missionaries in Paoting-fu and Chingting-fu were escorted by the order of the Acting Viceroy of Chihli and delivered to the care of the Commanders of the allied forces at Changsingtien and Lukouchiao. || It seems to us that the object of sending an expedition to Peking—first, to rescue the Representatives, and secondly, to suppress the insurrection—has been attained, and we hope that the allied Powers will soon appoint their Plenipotentiaries to open the peace negotiations with our Plenipotentiaries, and the British Government will be so good as to cease the sending of any more troops to the different ports, and to stick to the agreement for the preservation of order and peace of the Yang-tsze Valley, so as to confer the benefits of peace to humanity at large.

Nr. 12455. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den chinesischen Gesandten in London. Antwort auf das Telegramm des Kaisers von China an die Königin.

Nr. 12455. Grofs-britannien. 20. Sept. 1900.

Lord Salisbury duly submitted to the Queen, his Sovereign, the telegram from His Imperial Majesty the Emperor of China to Her Majesty, dated the 3rd July, which was forwarded by the Chinese Minister on the 11th of that month. || As Lord Salisbury informed the Chinese Minister on the 24th July, it was not possible for him to submit to Her Majesty any proposals for a reply to that message so long as the Queen was left in uncertainty as to the safety of her Envoy at Peking and communication with him was interrupted. || Now that by the efforts of the allied forces the European Legations have been rescued from the attacks of troops under the command of officers of the Emperor of China, the Chinese Minister has inquired whether a reply will not be sent to his Imperial Majesty's message. || The accounts which reach Her Majesty's Government of the treatment of British and other European missionaries in the Province of Shansi, where the Imperial Court is reported to be now residing, are of so distressing a nature that Lord Salisbury is, to his regret, still unable to submit such a message for Her Majesty's approval. || It is reported that a number of missionaries have been killed, some by the direct orders of the Governor of Shansi, and that the fate of a still larger number, including children, is still unknown. || The Queen has been deeply moved by the dreadful accounts which have reached her. || Until the Emperor has shown in some signal manner his disapproval of these shocking acts committed in the proximity of His Imperial Majesty's Court, and has issued stringent orders for the rescue of those sufferes who may still have survived, Lord Salisbury cannot advise Her Majesty to reply to the Emperor's message.

Foreign Office, September 20, 1900.

Nr. 12456. DEUTSCHES REICH. — Der Botschafter in London an den englischen Minister des Auswärtigen. Deutschland verlangt Bestrafung der Rädelsführer.

German Embassy, London, September 18, 1900. (September 21.)

Nr. 12456. Deutsches Reich. 18. Sept. 1900.

(Translation.) || My Lord, || In accordance with instructions received, I have the honour to make the following communication to your Excellency:—

The Government of His Majesty the Emperor consider that it should be a preliminary condition to entering upon diplomatic intercourse with the Chinese Government, that those persons who are ascertained to have been the first and real instigators of the offences against international law, committed at Peking, should be given up. The number of persons employed as instruments to carry out the criminal work is too great; an execution en masse would

Nr. 12456. Deutsches Reich. 18.Sept.1900.

go against the civilized conscience. Circumstances will even prevent the possibility of ascertaining the names of all belonging to the group of leaders. Those few of them, however, whose guilt is notorious, should be surrendered and punished. The Representatives of the Powers at Peking will be able to give, or to obtain, the most trustworthy evidence in this inquiry. It is not so important that a large number of persons should be punished as that the chief instigators and leaders should receive punishment. His Majesty's Government believe that they can count on the unanimity of all the Cabinets on this point, since indifference to the idea of just retribution would be equivalent to indifference to a repitition of the offence. The Government of His Majesty the Emperor therefore propose to the Cabinets concerned that they should instruct their Representatives at Peking to indicate those leading Chinese as to whose guilt in instigating or committing the crimes there is no room for doubt. || I should be much obliged if your Excellency would inform me whether Her Majesty's Government agree to this proposal in regard to the surrender of the guilty. P. Hatzfeldt.

Nr. 12457. **VEREINIGTE STAATEN.** — Der Staatssekretär des Auswärtigen an den Botschafter in London. Stellung zu den russischen und deutschen Vorschlägen. Dem englischen Auswärtigen Amt am 22. September mitgeteilt.

Nr. 12457. Vereinigte Staaten. 22.Sept.1900.

(Telegraphic.) || Part 1. — On 17th September the Chinese Minister presented copy of a Circular telegram from Prince Ching announcing appointment as Plenipotentiary, conjointly with Earl Li Hung-chang, to negotiate peace, and requesting that United States' Minister at Peking be instructed to open negotiations. The following reply has been handed to-day to Chinese Minister:— || „The Government of the United States accepts the Plenipotentiary authority of Earl Li Hung-chang and Prince Ching as primâ facie sufficient for the preliminary negotiations, looking toward the return of the Imperial Chinese Government, and to the resumption of its authority at Peking, and toward the negotiation of a complete settlement by the duly appointed Plenipotentiaries of the Powers and of China. To these ends the United States' Minister in Peking will be authorized to enter into relations with Earl Li and Prince Ching, as the immediate Representatives of the Chinese Emperor." || Part 2. — On 17th September the Russian Chargé delivered a Memorandum inquiring, first, whether the United States intends to transfer its Legation from Peking to Tien-tsin; secondly, if full powers of Prince Ching and Li Hung-chang are recognized by the United States as sufficient; and, thirdly, if the United States is prepared to charge its Representatives to enter forthwith upon preliminary negotiations with the Plenipotentiaries of the Chinese Emperor. The following Memorandum, in reply, has been sent to the Russian

Nr. 12457. Vereinigte Staaten. 22. Sept. 1900.

Chargé to-day:— || „(1) The Government of the United States has not any present intention to withdraw its Legation from Peking; (2) the Government of the United States accepts the Plenipotentiary authority of Earl Li Hung-chang and Prince Ching as primâ facie sufficient for the preliminary negotiations, looking toward the return of the Imperial Chinese Government, and to the resumption of its authority at Peking, and toward the negotiation of a complete settlement by the duly appointed Plenipotentiaries of the Powers and of China; (3) to these ends the United States' Minister in Peking will be authorized to enter into relations with Earl Li and Prince Ching as the immediate Representatives of the Chinese Emperor."

Part 3.—On 18th September the German Chargé communicated by note the Imperial German Circular, proposing that as pre-requisite to any negotiations, the Chinese Government deliver the real responsible authors of crimes against international law, recently perpetrated in China. || To this the following note has been handed German Chargé to-day: — || „In response to your inquiry of the 18th instant as to the attitude of the Government of the United States in regard to the exemplary punishment of the notable leaders in the crimes committed in Peking against international law, I have the honour to make the following statement: the Government of the United States has from the outset proclaimed its purpose to hold to the uttermost accountability the responsible authors of any wrongs done in China to citizens of the United States and theirs interests, as was stated in the Government's Circular communication to the Powers of 3rd July last. These wrongs have been committed not alone in Peking, but in many parts of the Empire, and their punishment is believed to be an essential element of any effective settlement which shall prevent a recurrence of such outrages and bring about permanent safety and peace in China. || „It is thought, however, that no punitive measures can be so effective, by way of reparation for wrongs suffered and as deterrent examples for the future, as the degradation and punishment of the responsible authors by the supreme Imperial authority itself; and it seems only just to China that she should be afforded, in the first instance, an opportunity to do this, and then rehabilitate herself before the world. Believing this, and without abating in any wise its deliberate purpose to exact the fullest accountability from the responsible authors of the wrongs we have suffered in China, the Government of the United States is not disposed, as a preliminary condition to entering into diplomatic negotiations with the Chinese Government, to join in a demand that said Government surrender to the Powers such persons as, according to the determination of the Powers themselves, may be held to be the first and real perpetrators of these wrongs. || „On the other hand, this Government is disposed to hold that the punishment of the high responsible authors of these wrongs, not only in Peking but throughout China, is essentially a condition to be embraced and provided for in the negotiations for a final settlement. It is the purpose of this Government, at the earliest practi-

Nr. 12457. Vereinigte Staaten. 22. Sept. 1900.

cable moment, to name its Plenipotentiaries for negotiating a settlement with China, and in the meantime to authorize its Minister in Peking to enter forthwith into conference with the duly authorized Representatives of the Chinese Government, with a view to bringing about a preliminary Agreement, whereby the full exercise of the Imperial power for the preservation of order and the protection of foreign life and property throughout China, pending final negotiations with the Powers, shall be assured. Accept Sir, &c." || You will communicate all foregoing to Minister for Foreign Affairs, inviting information of the replies of his Government in the three cases. Hill, Acting.

Nr. 12458. GROSSBRITANNIEN. — Der Gesandte in Japan an den Minister des Auswärtigen. Die japan. Regierung über den deutschen Vorschlag.

Tokio, September 22, 1900. (September 22.)

Nr. 12458. Grofsbritannien. 22. Sept. 1900.

(Telegraphic.) || The Japanese answer to the German Circular is as follows:— || „In order to make it possible for the Powers to renew diplomatic relations with China, Japanese Government agree that punishment of real instigators must first take place. They are, therefore, ready to give instructions to their Representative in China to co-operate with other Representatives in order to ascertain and point out the individuals to whom the responsibility of the recent outrages is to be attributed. However, in giving practical effect to German Government's proposal to insist on their delivery, they anticipate grave difficulties. Further, an exchange of views between the Powers will be necessary on this point."

Nr. 12459. GROSSBRITANNIEN. — Derselbe an Denselben. Japan über den russischen Vorschlag.

Tokio, September 22, 1900. (September 22.)

Nr. 12459. Grofsbritannien. 22. Sept. 1900.

(Telegraphic.) || The following is the substance of answer to three questions of Russian Circular: — || 1. The withdrawal of the Legations to Tien-tsin does not seem opportune while Prince Ching is at Peking in communication with Foreign Ministers and Li Hung-chang is on his way thither. || 2. The foreign Representatives at Peking should examine the credentials of Chinese Plenipotentiaries. || 3. The adequacy of the credentials should decide the question of the opening of negotiations.

Nr. 12460. GROSSBRITANNIEN. — Der Generalkonsul in Schanghai an den Minister des Auswärtigen. Zusammensetzung der chinesischen Regierung.

Shanghae, September 23, 1900. (September 23.)

Nr. 12460. Grofsbritannien. 23. Sept. 1900.

(Telegraphic.) || According to information I have received, Prince Tuan has been appointed Member of the Grand Council, and Tung-fu Hsiang Generalissimo of the Imperial forces. An Imperial Decree, issued by the

Court during its flight to Shansi, has also appointed a violently anti-foreign Taotai to Shanghae. Chang Chih Tung remains staunch in his determination to maintain order, although surrounded by anti-foreign advisers. Peace in Central China depends on the life of this aged official, and we should be prepared for eventualities.

Nr. 12460. Grofs-britannien. 23.Sept.1900.

Nr. 12461. GROSSBRITANNIEN. — Der Botschafter in Berlin an den Minister des Auswärtigen. Antworten der Mächte auf den deutschen Vorschlag.

Berlin, September 24, 1900. (September 24.)

(Telegraphic.) || I am informed by Baron von Richthofen that France, Italy, and Austria have returned affirmative replies to the German Circular. In the opinion of the United States' Government, the punishment of the ringleaders should be included in the peace conditions. || The replies of Japan and Russia will, Baron Richthofen understands, be received to-day, and will be to the effect that, while the punishment of the ringleaders should precede negotiations, it would be better that the ringleaders should not be handed over to the Powers, but that the punishment should be inflicted by the Chinese Government. || The Acting Secretary of State further observed that Her Majesty's Government had as yet returned no reply.

Nr. 12461. Grofs-britannien. 24.Sept.1900.

Nr. 12462. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Der russische Gesandte verläfst Peking.

Peking, September 25, 1900. (September 25.)

(Telegraphic.) || Definite instructions have been received by the Russian Minister to proceed to Tien-tsin in order to negotiate there; he is leaving on the 29th instant. || Orders have also been sent to the Russian troops to leave immediately, except 1200 men, i. e., one battalion, two Maxims, and one half-company of sappers.

Nr. 12462. Grofs-britannien. 25.Sept.1900.

Nr. 12463. GROSSBRITANNIEN. — Derselbe an Denselben. Tien-tsin ist nicht geneigt zu Friedensverhandlungen.

Peking, September 25, 1900. (September 25.)

(Telegraphic.) || With reference to my immediately preceding telegram of to-day, I am informed by Russian Minister that in his Government's telegram he was told that all the Powers have agreed in principle to negotiations being carried on in Tien-tsin. || It is my strong opinion that Tien-tsin would be most objectionable for the purpose. To have negotiations there would lose to us all the advantages of staying in Peking, and give us none in exchange.

Nr. 12463. Grofs-britannien. 25.Sept.1900.

Nr. 12463. Grofsbritannien. 25 Sept. 1900.

Tien-tsin is capital of Li Hung-chang's Viceroyalty, and we shall, therefore, in the eyes of the Chinese, appear to be going to Li to beg for peace. This will encourage the war party, who will leave the foreign Powers to make all further advances. || If the Chinese suspect that we want to have peace more than they do themselves, no peace will be possible. Should negotiations be removed from Peking — a course which, so far as concerns preliminaries, I strongly deprecate — they should take place in Shangae.

Nr. 12464. GROSSBRITANNIEN. — Der Konsul in Kanton an den Minister des Auswärtigen. Angriffe auf Missionen.

Canton, September 25, 1900. (September 25.)

Nr. 12464. Grofsbritannien. 5. Sept. 1900.

(Telegraphic.) || At several places in this district Missions and converts are being attacked. His Excellency the Acting Viceroy is doing his best to repress the rioters, and has also issued a Proclamation which is extremely satisfactory, containing a denunciation of the so-called „Imperial" Edicts lately published in Canton, and laying great stress on the Throne's denunciation of the Boxers. || He also states in this Proclamation that negotiations are being opened in the north with a view to the peaceable termination of these troubles, and that those who disturb the peace will be severely dealt with. || This neighbourhood and the city itself remain quiet. There is no probability of an attack on the Concessions.

Nr. 12465. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Gesandten in Peking. Verlangt seine Meinung über den deutschen Vorschlag.

Foreign Office, September 25, 1900.

Nr. 12465. Grofsbritannien. 25. Sept. 1900.

(Telegraphic.) || With reference to my telegram of the 24th September on the subject of the German Circular addressed to the Powers, I shall be glad if you will inform me as soon as possible of the opinion of your colleagues and yourself on the following points:— || 1. Whether you can designate with any certainty those persons who are really responsible for the attacks which were made upon the Legations and other recent outrages which have occurred. || 2. Whether, in the event of the Chinese Government refusing to surrender or punish these persons, or returning evasive answers, it would be practicable to seize them.

Nr. 12466. GROSSBRITANNIEN. — Die Botschaft in Paris an den Minister des Auswärtigen. Antwort Frankreichs auf den deutschen Vorschlag.

Paris, September 23, 1900. (September 27.)

Nr. 12466. Grofsbritannien. 3. Sept. 1900.

My Lord, || In the course of a conversation to-day, in regard to Chinese affairs, the German Ambassador informed me that, in accepting the recent German proposal, M. Delcassé had stated that he did so with much satis-

faction, as it practically coincided with his own views, which he had communicated to the Chinese Minister so far back as July. || There is no doubt that the German proposal is more favourably regarded here than the Russian plan which was not well received by the French press. || Prince Münster expressed the hope that Her Majesty's Government would accept the German proposal, as, in his opinion, it was necessary that Germany and England should act together in China, „their interests there being identical“.

Nr. 12466. Grofsbritannien. 23. Sept. 1900.

Michael H. Herbert.

Nr. 12467. GROSSBRITANNIEN. — Die Botschaft in Petersburg an den Minister des Auswärtigen. Antwort der russischen Regierung auf den deutschen Vorschlag.

St. Petersburgh, September 27, 1900. (September 27.)

(Telegraphic.) || I saw Count Lamsdorff this afternoon and obtained further particulars from his Excellency as to the terms of the reply returned by the Russian Government to M. de Bülow's Circular, the substance of which I had the honour of telegraphing to your Lordship. || Count Lamsdorff informed me that he had requested the German Government to favour him with more comprehensive explanatory details on the subject of the delivery of the guilty leaders by the Chinese Government, giving his opinion that the better course would be that they should receive their punishment from the Central Imperial Authority of their own country and not be handed over to the foreign Powers; far greater effect would be produced in China by such a mode of procedure than if the leaders were delivered to the Powers for punishment. His Excellency had also expressed the opinion that the question of the punishment of these persons should form one of the guarantees which the Plenipotentiaries of the Chinese Government should be compelled to give during the course of the negotiations with the Representatives of the foreign Powers, as a security that such occurrences as had recently taken place in China should not be repeated. || The phrase „renewal of diplomatic relations“, which the punishment of the guilty leaders was to precede, had seemed to him to require further explanation which he had just telegraphed to Berlin to obtain, his view being that there had never been any rupture of diplomatic relations as had been strikingly proved by the fact that a new German Minister had been appointed.

Nr. 12467. Grofsbritannien. 27. Sept. 1900.

Nr. 12468. GROSSBRITANNIEN. — Der Minister des Auswärtigen an den Gesandten in Peking. Gestattet die Verhandlungen unter Vorbehalt.

Foreign Office, September 27, 1900.

(Telegraphic.) || With reference to your telegram of the 23rd September, if the powers of Prince Ching and Li Hung-chang are deemed sufficient and on clear understanding that negotiations are purely preliminaries for reference

Nr. 12468. Grofsbritannien. 27. Sept. 1900.

Nr. 12468. Grofsbritannien. 27.Sept.1900.

Governments, you are authorized, in conjunction with your colleagues, to commence negotiations with them. || As regards addition to the list of Plenipotentiaries of Viceroys at Nanking, Wuchang, and Foochow, if you and your colleagues think this desirable, no objection will be raised here.

Nr. 12469. GROSSBRITANNIEN. — Der Gesandte in Peking an den Minister des Auswärtigen. Antwort auf Nr. 12465.

Peking, September 29, 1900. (September 29.)

Nr. 12469. Grofsbritannien. 29.Sept.1900.

(Telegraphic.) || With reference to your Lordship's telegram of the 26th September, I have the honour to answer the two questions as follows: — || 1. It is quite possible to designate the guilty with certainty, and is likely that the list of each of my colleagues would be identical with the others. || 2. Prince Tuan being one of the chief offenders, and seeming to be de facto the Chinese Government at the present time, it will be most difficult to seize the guilty.

Nr. 12470. GROSSBRITANNIEN. — Der Minister des Auswärtigen an die Botschaft in Petersburg. Antwort auf den russischen Vorschlag.

Foreign Office, September 29, 1900.

Nr. 12470. Grofsbritannien. 29.Sept.1900.

(Telegraphic.) || I have replied to the Russian Circular of the 15th September in the following manner:— || 1. That the present moment did not seem to me opportune for the withdrawal to Tien-tsin of Her Majesty's Minister. || 2. That I could not myself give any decided opinion in regard to the sufficiency of the full powers of Li Hung-chang and Prince Ching; in the event, however, of other Powers being satisfied, Her Majesty's Government would not, on their part, be inclined to make any objections in the matter. || 3. I said that there did not appear to me to be any reason why negotiations of a merely preliminary character should not be commenced with the Chinese Plenipotentiaries immediately, if the full powers held by Prince Ching and Li Hung-chang were ascertained to be sufficient for the purpose.

Aktenstücke zur Geschichte des Südafrikan. Krieges.*)

1. Verhandlungen zwischen Roberts und Botha über eine Waffenruhe. Juni 1900.

Nr. 12471. **GROSSBRITANNIEN.** — Der Oberbefehlshaber in Südafrika an L. Botha, den Kommandeur der Transvaaltruppen. Fordert ihn zur Niederlegung der Waffen auf.

Head-quarters of the British Army in South Africa, Zwartzkoppies, near Pretoria, 12th June, 1900.

Nr. 12471. Grofsbritannien. 12. Juni 1900.

Your Honour, || I address these few lines in the hope that they may have the effect of inducing your Honour, in the cause of humanity, to refrain from further resistance. The British force under my command so greatly exceeds the Boer army in numbers that, although the war may be prolonged for a few more weeks, there can be but one result. After the gallant struggle your Honour and the force under your command have made, there can be no question of loss of honour should you decide to accept the counsel I now venture to proffer.

I have the honour to be, Sir, Your most faithfully,

Roberts, Field-Marshal.

Nr. 12472. **SÜDAFRIKAN. REPUBLIK.** — Botha an Lord Roberts. Verlangt einen Waffenstillstand.

13th June, 1900.

Nr. 12472. Südafrikan. Republik. 13. Juni 1900.

Your Excellency, || In answer to your letter of yesterday wherein your Excellency advises me, in the interests of humanity, not to continue this strife any longer to your Army as your force exceeds ours so greatly in numbers, I wish to give your Excellency the assurance that the subject is receiving my serious consideration. However, for the purpose of arriving at a decision, it is not only absolutely necessary for me to call a General Council of War of my Officers and to consult them, but above all it is necessary for me to consider the subject with my Government. I trust that

*) Anmerkung. Blaubücher Cd. 461, 528.

Nr. 12472. Südafrikan. Republik. 13. Juni 1900. for the sake of humanity your Excellency will give me the opportunity for such consideration and consultation. || As some of my Officers are near the Natal Border, and I am also a long way separate from my Government, this will require some time. I ask your Excellency kindly, therefore, for an armistice for 6 days, beginning from to-morrow morning at sunrise, during which time no forward movement will be made on either side within in territory of the South African Republic. || I would very much like to receive from your Excellency to-day an answer to this request, and if possible by the agent who is taking you this letter.

I have the honour to be, Your obedient Servant,

Louis Botha, Acting Commandant-General,
South African Republic.

Nr. 12473. GROSSBRITANNIEN. — Lord Roberts an Botha. Antwort auf das Vorige.

Army Head-quarters, South Africa, Pretoria, 14th June, 1900.

Nr. 12473. Grofsbritannien. 14. Juni 1900. Your Honour's letter of yesterday reached me during the night. I am anxious to meet your wishes and to enable your Honour to communicate with the Government of the South African Republic, but as the movement of my troops in that Republic are intimately connected with operations in progress in other parts of South Africa, it is impossible for me to accede to your Honour's request that there should be an armistice for 6 days, during which time no forward movement will be made on either side within the territory of the South African Republic. || I am willing, however, to refrain from making further movements in the district to the east of the Eland's River Railway Station, our present most advanced post in that direction, and also in the district north of the Volkrust and Johannesburg Railway, for a period of five (5) days, commencing at dawn on the 15th June, on the condition that no movement westward or southward is made by the Army of the South African Republic during that same period. || This will, I trust, give your Honour the opportunity you desire of consulting your Officers and conferring with your Government, and I sincerely hope that the result will be of such a satisfactory nature as to prevent further unnecessary loss of life.

I have the honour to be, Your Honour's obedient Servant,

Roberts, Field-Marshal,
Commanding the British Army in South Africa.

Nr. 12474. GROSSBRITANNIEN. — Botha an Lord Roberts. Lehnt den bedingten Waffenstillstand ab.

Commandant-General's Camp, 15th June, 1900.

Nr. 12474. Grofsbritannien. 15. Juni 1900. Your Excellency, || In answer to your letter, dated 14th June, just received by me, wherein your Excellency consents to an armistice for five days, but with the reservation of the right to your Excellency to move your Army

in all directions within the South African Republic, except east of Elands River Station and north of the Volksrust—Johannesburg Railway line, I must, to my great regret, inform your Excellency that this reservation makes it impossible for me to accept this armistice, which I have so much desired.

Nr. 12474. Grofsbritannien. 15. Juni 1900.

I have the honour to be, Your Excellency's obedient Servant,

Louis Botha, Acting Commandant-General of the South African Republic.

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2. Friedensverhandlungen zwischen Kitchener und Botha. Februar/März 1901.

Nr. 12475. GROSSBRITANNIEN. — Der Oberkommissar von Kapland an den Kolonialminister. Botha und Kitchener planen eine Zusammenkunft, um über den Frieden zu beraten.

February 23, 1901, 10.45 A. M. (February 23, 1.10 P. M.)

Nr. 12475. Grofsbritannien. 23. Feb. 1901.

(Telegram.) || Following telegram received from Commander-in-chief, Pretoria:— || Begins: 22nd February. Mrs. L. Botha has come back from meeting her husband to-day, and has brought me a letter from him in answer to a verbal message from me that, if he desired it, I would meet him as to means of bringing the war to an end, on the express understanding that I should not do so if the question of the independence of the Transvaal and Orange River Colony were to be discussed in any way. Mrs. Botha assures me the letter was written with that point clearly understood and that Botha had referred the matter to his generals. Meeting will probably take place at Middelburg, Transvaal. End of telegram.

Nr. 12476. GROSSBRITANNIEN. — Der Kolonialminister an den Oberkommissar. Ist befriedigt über die Friedensaussicht.

Downing Street, February 23, 1901, 7.15 P. M.

Nr. 12476. Grofsbritannien. 23. Feb. 1901.

(Telegram.) || Your telegram No. 121. || I am glad to hear of Botha's desire to treat, and I hope that it is genuine. He will find us most anxious, in that case, to meet him on all points affecting individual position. We have already made clear the policy we intend to pursue as to future Government.

Nr. 12477. GROSSBRITANNIEN. — Der Oberbefehlshaber Lord Kitchener an den Staatssekretär des Kriegsamts. Bericht über seine Unterredung mit Botha.

Pretoria, March 1, 1901, 2.20 P. M.

Nr. 12477. Grofsbritannien. 1. März 1901.

(Telegram.) || 28th February. — I have had a long interview with Botha, who showed very good feeling and seemed anxious to bring about peace. He asked for information on a number of subjects which he said that he

Nr. 12477. Grofsbritannien. 1. März 1901.

should submit to his Government and people, and if they agreed he should visit Orange River Colony and get them to agree. They should all then hand in their arms and finish the war. He told me that they could go on for some time, and that he was not sure of being able to bring about peace without independence. He tried very hard for some kind of independence, but I declined to discuss such a point, and said that a modified form of independence would be most dangerous and likely to lead to war in the future. Subject was then dropped, and— || Firstly. — The nature of future government of Colonies asked about. He wanted more details than were given by Colonial Secretary, and I said that, subject to correction from home, I understood that when hostilities ceased military guard would be replaced by Crown Colony administration, consisting of nominated Executive, with elected assembly to advise administration, to be followed after a period by representative government. He would have liked representative government at once, but seemed satisfied with above. || Secondly. — Whether a Boer would be able to have a rifle to protect him from native? I said I thought he would be by a licence and on registration. || Thirdly. — He asked whether Dutch language would be allowed? I said that English and Dutch would, I thought, have equal rights. He expressed hope that officials dealing with farmers would know Dutch. || Fourthly. — The Kaffir question. This turned at once on franchise of Kaffirs, and a solution seemed to be that franchise should not be given to Kaffirs until after representative government was granted to Colonies. Orange Free State laws for Kaffirs were considered good. || Fifthly. — That Dutch Church property should remain untouched. || Sixthly. — Public trusts and orphan funds to be left intact. He asked whether British Government, in taking over the assets of Republics, would also take over legal debts. This he made rather a strong point of, and he intended it to include debts legally contracted since the war began. He referred to notes issued amounting to less than a million. || Seventhly. — He asked if any war tax would be imposed on farmers? I said I thought not. || Eigthly. — When would prisoners of war return? || Ninthly. — He referred to pecuniary assistance to repair burnt farms, and enable farmers to start afresh. I said I thought some assistance would be given. || Tenthly. — Amnesty to all at end of war. We spoke of Colonials who joined Republics, and he seemed not adverse to their being disfranchised. || I arranged with him that I should write and let him know the view of the Government on these points. All I said during the interview was qualified by being subject to confirmation from home. He was anxious to get an answer soon.

Nr. 12478. **GROSSBRITANNIEN.** — Der Oberkommissar an den Kolonialminister. Übersendet den Entwurf Kitcheners zu einem Briefe an Botha. Bemerkung dazu.

Bloemfontein, March 3, 1901, 11.20 A. M. (March 3, 9.45 P. M.)

Nr. 12478. Grofsbritannien. 3. März 1901.

(Telegram.) || It is suggested by Kitchener that the following letter should be sent to Botha. Begins:—

Your Honour, || With reference to our conversation at Middelburg on the 28th February, I beg to inform you that on the cessation of hostilities and the complete surrender of arms, ammunition, cannon, and other munitions of war now in the hands of the burghers in the field or in Government depôts or elsewhere, His Majesty's Government is prepared at once to grant an amnesty in the Transvaal and Orange River Colony for all bonâ fide acts of war committed during the recent hostilities; as well as to move the Governments of Cape Colony and Natal to take similar action but qualified by the disfranchisement of any British subjects implicated in the recent war. All prisoners of war now in St. Helena, Ceylon, or elsewhere will, on the completion of the surrender, be brought back to their country. At the same time military law will cease and be at once replaced by civil administration, which will at first consist of a Governor and a nominated Executive with or without an advisory elected Assembly, but it is the desire of His Majesty's Government, as soon as circumstances permit, to establish representative Government in the Transvaal and Orange River Colony. Moreover on the cessation of hostilities a High Court will be established to administer the laws of the land, and this Court will be independent of the Executive. || Church property, public trusts, and orphan funds will be respected, and both the English and the Dutch languages will be used and taught in public schools and allowed in Courts of Law. || As regards the legal debts of the State, they will be paid, even if contracted during hostilities, to the extent to which the creditor can show to the satisfaction of a Commission or Judge that he has given value for his debt. The sum to be paid under this head will not, however, exceed 1 000 000 l., and if bonâ fide debts to a greater amount are proved they will have to be reduced proportionally to bring them within that figure. || I also beg to inform your Honour that it is the intention of His Majesty's Government to take steps to assist farmers who have suffered loss by the destruction of farms or the capture of stock during the war, and that no special tax will be imposed upon farmers to defray the expenses of the war. Where burghers require the protection afforded by fire-arms, such will be allowed to be kept by licence and with due registration. Licences will be also issued for sporting rifles, guns, &c. || As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colony, it is not the intention of His Majesty's Government to give such a franchise before a representative Government is granted to those Colonies. Ends.

Nr. 12478. Grofsbritannien. 3. März 1901.

With the following exception I agree with the above. In paragraph 1, instead of the words „as well as to move the Governments of Cape Colony“, etc., read the following: „British subjects of Cape Colony or Natal, though they will not be compelled to return to those Colonies, will, if they do so, be liable to be dealt with under the laws of those Colonies specifically passed to meet the circumstances arising out of the present war and which greatly mitigate the ordinary penalties of rebellion.“ || While willing to concede much in order to strengthen Botha in inducing his people to submit, the amnesty of rebels is not, in my opinion, a point which His Majesty's Government can afford to concede. I think it would have a deplorable effect in Cape Colony and Natal to obtain peace by such a concession.

Nr. 12479. GROSSBRITANNIEN. — Der Kolonialminister an den Oberkommissar. Antwort auf das Vorige. Genaue Instruktion für Kitchener.

Downing Street, March 6, 1901.

Nr. 12479. Grofsbritannien. 6. März 1901.

(Telegram.) || Your telegram 3rd March, B 1. Kitchener's proposed letter. || Kitchener should modify the terms of his letter in accordance with following instructions and observations of His Majesty's Government. || The first paragraph implies of course the total cessation of hostilities and not the surrender of Botha only while other bands may be continuing the war. It should be made clear that this is the condition precedent to the subsequent promises. || His Majesty's Government feel that they cannot promise to ask for complete amnesty to Cape and Natal rebels who are in totally different position to burghers without injustice to those who have remained loyal under great provocation, and they are prepared substantially to adopt your words, but you must consider whether your last line is strictly applicable to Natal. || Following points in letter also require amendment:—

1. The words as to prisoners of war may be misconstrued. We cannot possibly undertake to bring all back immediately. Transport will be wanted to bring home large portion of the army and repatriation of burghers must be gradual. Also we will only bring back to South Africa burghers and colonists: the foreigners must go to their own countries. Accordingly after „prisoners of war” insert „being burghers or colonists”, and after „country” insert „as quickly as arrangements can be made for their transport”. || 2. For „military law will cease” say „military administration will cease”. It is possible that there may be disturbed districts for some time after terms have been accepted, and Governor of Colonies cannot abandon right of proclaiming martial law where necessary. In the same sentence omit the words „at the same time” and „at once” and substitute at the beginning the words „at the earliest practicable date”. || 3. Constitution. — For „consist of a Governor” down to

Nr. 12479. Grofsbritannien. 6. März 1901.

„Assembly" read „consist of a Governor and an Executive Council composed of the principal officials with a Legislative Council consisting of a certain number of official members to whom a nominated unofficial element will from the first be added". In place of the words „to establish representative government" substitute „to introduce a representative element, and ultimately to concede to the new Colonies the privilege of self-government". || It is desirable at this stage to be quite precise in order to avoid any charge of breach of faith afterwards. || 4. As regards use of languages in schools you should add after „in public schools" „where the parents of the children desire it". It is possible that in Johannesburg and elsewhere the great majority of children will be English, and we ought no to compel the parents whether Dutch or English to adopt either language where they may have good reason to desire the other. || 5. Debts of the State. — Promise embodied in the letter seems dangerous. || The words „contracted during hostilities" would include not only commandeering receipts, but also all manner of claims for orders given or goods alleged to have been supplied during the war. If such claims are admitted it will be difficult to keep limit to one million or to institute effective examination into alleged claims. The liability would extend even to goods supplied after annexation. || If however sole object of this stipulation is to repay inhabitants of the Orange River Colony or Transvaal for requisitions which were compulsorily levied before annexation by authority of Commandants of forces in the field or which though levied after annexation could not be resisted in presence of superior force, we might assent to putting aside a sum of one million to be distributed pro ratâ in payment of all such claims as can be established to the satisfaction of a Tribunal appointed by Government to investigate and assess them. Remember that whatever sum is allotted would have to cover requisitions upon all persons, Uitlanders as well as burghers, commandeered by orders of Government of South African Republic or Commandants. In regard to this matter, you will of course consider carefully effect on loyalists of proposal which may result in payment for goods willingly supplied to our enemies but concealed from or refused to us. || 6. Assistance to Farmers. — This proposal is also liable to the objection that it may appear to treat enemies better than loyalists, but as I have already suggested to you necessity for some provision to prevent destitution after the war in new Colonies and to enable resumption of ordinary employment, you may substitute the following sentence: „I also beg to inform your Honour that the new Government will take into immediate consideration the possibility of assisting by loan the occupants of farms who will take the oath of allegiance to repair any injuries sustained by destruction of buildings or loss of stock during the war." || 7. The licences to carry arms must also be confined to those persons who will take an oath of allegiance, and will only be granted in the case of military arms where they are necessary for protection. || 8. We agree to the last sentence as to Kaffirs, but following words should

Nr. 12479. Grofsbritannien. 6. März 1901. be added: „And if then given it will be so limited as to secure the just predominance of the white races, but the legal position of Kaffirs will be similar to that which they hold in the Cape Colony."

We cannot consent to purchase peace by leaving the coloured population in the position in which they stood before the war, with not even the ordinary civil rights which the Government of the Cape Colony has long conceded to them. || Kitchener is authorized to reply in accordance with these instructions, but if the terms now offered are not accepted after reasonable delay for consideration they must be considered as withdrawn. || I shall be glad to have your views upon the above amendments to Lord Kitchener's letter.

Nr. 12480. GROSSBRITANNIEN. — Der Oberkommissar an den Kolonialminister. Bemerkung zum Vorigen.

Pretoria, March 9, 1901, 9.45 A. M. (March 9, 5 P. M.)

Nr. 12480. Grofsbritannien. 9. März 1901. (Telegram.) || Referring to your telegram of 6th March No. 2. While the changes which His Majesty's Government desired to introduce into Kitchener's letter were improvements in many cases, there were some which I regretted. But none of these appeared to me of much importance except the introduction of the words „by loan" in the passage referring to assistance to farmers after the war. I am certainly opposed to giving such assistance indiscriminately, but I think there will be cases in which expenditure not directly recoverable would be justified and politic. Also I think introduction of these words calculated to weaken effect of message, though I hope this may not be serious, having regard to its great liberality on other points. || Kitchener was even more strongly opposed than I to introduction of the words „by loan", because, in view of the suspicious nature of the Boers, he thought it would be regarded as a way of getting farmers into the clutches of the Government. || At the same time he and I were quite agreed that disadvantages of delay would not be counterbalanced by any improvement in message which might result from further discussion. || Accordingly message was altered in accordance with instructions and sent to Botha by special messenger to Middelburg on afternoon of 7th March.

Nr. 12481. GROSSBRITANNIEN. — Der Oberbefehlshaber in Südafrika an den Kriegsminister. Übersendet den an Botha gerichteten Brief.

Pretoria, March 20, 1901, 12.50 P. M.

Nr. 12481. Grofsbritannien. 20. März 1901. (Telegram.) || Precise terms of letter were as follows:—

Begins: With reference to our conversation at Middelburg on 28th February, I have the honour to inform you that in the event of a general and complete cessation of hostilities and the surrender of all rifles, ammunition, cannon,

Nr. 12481. Grofs-britannien. 20. März 1901.

and other munitions of war in the hands of the burghers or in Government depôts or elsewhere. His Majesty's Government is prepared to adopt the following measures: || His Majesty's Government will at once grant an amnesty in the Transvaal and Orange River Colonies for all bonâ fide acts of war committed during the recent hostilities. British subjects belonging to Natal and Cape Colony, while they will not be compelled to return to those Colonies, will, if they do so, be liable to be dealt with by the law of those Colonies specially passed to meet the circumstances arising out of the present war. As you are doubtless aware, the special law in the Cape Colony has greatly mitigated the ordinary penalties for high treason in the present cases. || All prisoners of war now in St. Helena, Ceylon, or elsewhere will, on the completion of the surrender, be brought back to their country as quickly as arrangements can be made for their transport. || At the earliest practicable date military administration will cease and will be replaced by civil administration in the form of Crown Colony Government. There will therefore be, in the first instance, in each of the new Colonies a Governor and an Executive Council, consisting of a certain number of official members, to whom a nominated unofficial element will be added. But it is the desire of His Majesty's Government, as soon as circumstances permit, to introduce a representative element and ultimately to concede to the new Colonies the privilege of self-government. Moreover, on the cessation of hostilities a High Court will be established in each of the new Colonies to administer the law of the land, and this Court will be independent of the Executive. || Church property, public trusts, and orphans funds will be respected. || Both the English and Dutch languages will be used and taught in public schools where parents of the children desire it, and allowed in Courts of Law. || As regards the debts of the late Republican Governments, His Majesty's Government cannot undertake any liability. It is however prepared, as an act of grace, to set aside a sum not exceeding 1 000 000 l. to repay inhabitants of the Transvaal and Orange River Colonies for goods requisitioned from them by the late Republican Governments or, subsequent to annexation, by Commandants in the field being in a position to enforce such requisitions. But such claims will have to be established to the satisfaction of a Judge or Judicial Commission appointed by the Government to investigate and assess them, and if exceeding in the aggregate 1 000 000 l., they will be liable to reduction pro rata. || I also beg to inform your Honour that the new Government will take into immediate consideration the possibility of assisting by loan the occupants of farms who will take the oath of allegiance to repair any injury sustained by destruction of buildings or loss of stock during the war, and that no special war tax will be imposed on farmers to defray the expense of the war. || When burghers require the protection of fire-arms such will be allowed to them by licence and on due registration, provided they take the oath of allegiance. Licences also will be issued for sporting rifles, guns, &c., but military fire-arms will only be allowed

Nr. 12481. Grofsbritannien. 20. März 1901.

for means of protection. || As regards the extension of the franchise to Kaffirs in the Transvaal and Orange River Colony, it is not the intention of His Majesty's Government to give such franchise befor representative government is granted to these Colonies, and if then given it will be so limited as to secure the just predominance of the white races. The legal position of coloured persons will however be similar to that which they hold in Cape Colony. || In conclusion, I must inform your Honour that if the terms now offered are not accepted after a reasonable delay for consideration they must be regarded as cancelled. Ends.

Nr. 12482. GROSSBRITANNIEN. — Derselbe an Denselben. Botha lehnt die Bedingungen ab.

Pretoria, March 16, 1901, 8.15 P. M.

Nr. 12482. Grofsbritannien. 16. März 1901.

(Telegram.) || Following reply received from Botha:—

„I have the honour to acknowledge receipt of your Exellency's letter stating what steps your Excellency's Government is prepared to take in the event of a general and total cessation of hostilities. I have advised my Government of your Excellency's said letter; but, after the mutual exchange of views at our interview at Middelburg on 28th February last, it will certainly not surprise your Excellency to know that I do not feel disposed to recommend that the terms of the said letter shall have the earnest consideration of my Government. I may add also that my Government and my chief officers here entirely agree to my views."

Zur Vorgeschichte des spanisch-amerikanischen Krieges 1898. Interventionsfrage.*)

Nr. 12483. **DEUTSCHES REICH.** — Der Staatssekretär des Auswärtigen Amts an den Kaiser. Übersendet einen telegraphischen Bericht des Botschafters in Washington über einen englischen Interventionsvorschlag.

Berlin, 15. April 1898.

Nr. 12483. Deutsches Reich. 15. Apr. 1898.

Eurer Majestät Botschafter in Washington telegraphiert:

„Der englische Botschafter ergriff sehr auffälliger Weise heute die Initiative zu einem neuen Kollektivschritt der hiesigen Vertreter der Grofsmächte. Wir vermuten, dafs die Königin-Regentin in diesem Sinne bei der Königin von England vorstellig geworden ist. Die sechs Vertreter telegraphieren an ihre Regierungen auf Wunsch des englischen Botschafters in folgendem Sinne: „„Man kann angesichts der Haltung des Kongresses keine Hoffnung mehr auf Frieden hegen, und die allgemeine Meinung geht dahin, dafs auch die Mächte nichts gegen den Krieg einzuwenden hätten. Eine gute Basis für neue Verhandlungen schien die Note des spanischen Gesandten vom 10. d. M. zu bieten. Wenn diese Ansicht von den Regierungen geteilt wird, so erscheint es angezeigt, hier den Irrtum zu zerstreuen, als finde die bewaffnete Intervention in Cuba die Unterstützung der civilisierten Welt (der Präsident hatte in seiner Dezemberbotschaft gesagt, dafs er nur in diesem Falle Intervention wolle). Die hiesigen Vertreter glauben unter diesen Umständen, dafs die Grofsmächte die Aufmerksamkeit der hiesigen Regierung auf die spanische Note vom 10. d. M. lenken und erklären könnten, dafs die bewaffnete Intervention ihnen nicht gerechtfertigt erscheine. Diese Erklärung könnte die Form einer von den Mächten an die Vertreter der Vereinigten Staaten von Amerika gerichteten Kollektivnote annehmen. Eine solche würde gröfseren Eindruck machen, und die hiesigen Vertreter würden dann nicht dem Anschein ausgesetzt sein, als wollten sie lediglich ihren ersten Schritt wiederholen, den der Präsident in seiner neuesten Botschaft nicht einmal der Erwähnung gewürdigt hat. Falls eine identische Note beschlossen werden sollte, würde es sich empfehlen, dieselbe sofort zu

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*) Deutscher Reichs-Anz. 12. Februar 1902. Vgl. Europ. Geschkal. Jhrgg. 1902.

Nr. 12483. Deutsches Reich. 15. Apr. 1898.

veröffentlichen, damit die civilisierte Welt, deren Autorität man anruft, von dem Vorwurf entlastet werde, als billigte sie diesen Angriff.""

Ich persönlich stehe einer solchen Kundgebung ziemlich kühl gegenüber. Holleben." Bülow.

Randbemerkung Seiner Majestät zu dem Schlufssatz des Botschafters:

„Ich halte sie für gänzlich verfehlt, zwecklos und daher schädlich . . . . Ich bin gegen diesen Schritt!"

Anlage.

Die vom englischen Botschafter vorgeschlagene Kollektivnote lautet:

„The attitude of Congress and the resolution of the House of Representatives, passed yesterday by a large majority, leaves but little hope for peace and it is popularly believed that the warlike measures advocated have the approval of the Great Powers. The Memorandum of the Spanish Minister delivered on Sunday appears to me and my colleagues to remove all legitimate cause of war. If that view should be shared by the Great Powers, the time has arrived to remove the erroneous impression which prevails, that the armed intervention of the United States in Cuba commands, in the words of the message, „the support and approval of the civilized world". It is suggested by the foreign representatives that this might be done by a collective expression from the Great Powers of the hope that the United States Government will give a favorable consideration to the memorandum of the Spanish Minister of the 10. instant, as offering a reasonable basis of amicable solution and removing any grounds for hostile intervention which may have previously existed."

Bündnisse, Verträge, Konventionen, Protokolle etc.

Nr. 12484. **VERTRAGSSTAATEN.** — Protokoll zu dem Vertrage über den Schutz des gewerblichen Eigentums vom 20. März 1883. (Nr. 8553.)

Madrid, 15. April 1891.

Nr. 12484. Vertragsstaaten. 15. Apr. 1891.

Protocole || concernant || la dotation du Bureau International de l'Union pour la protection de la Propriété industrielle || conclu entre || la Belgique, le Brésil, l'Espagne, les États-Unis d'Amérique, la France, la Grande-Bretagne, le Guatemala, l'Italie, la Norvège, les Pays-Bas, le Portugal, la Suède, la Suisse et la Tunisie.

Les Soussignés, Plénipotentiaires des Gouvernements des États ci-dessus énumérés, || Vu la Déclaration adoptée le 12 mars 1883 par la Conférence internationale pour la protection de la Propriété industrielle réunie à Paris, || Ont, d'un commun accord, et sous réserve de ratification, arrêté le Protocole suivant:

Article premier.

Le premier alinéa du chiffre 6 du Protocole de clôture annexé à la Convention internationale du 20 mars 1883 pour la protection de la Propriété industrielle est abrogé et remplacé par la disposition suivante: || „Les dépenses du Bureau international institué par l'article 13 seront supportées en commun par les États contractants. Elles ne pourront, en aucun cas, dépasser la somme de soixante mille francs par année."

Article 2.

Le présent Protocole sera ratifié, et les ratifications en seront échangées à Madrid dans le délai de six mois au plus tard. || Il entrera en vigueur un mois à partir de l'échange des ratifications, et aura la même force et durée que la Convention du 20 mars 1883, dont il sera considéré comme faisant partie intégrante. || En foi de quoi, les Plénipotentiaires des États ci-dessus énumérés ont signé le présent Protocole à Madrid, le quinze avril mil huit cent quatre-vingt-onze.

(Unterschriften.)

Nr. 12485. **VERTRAGSSTAATEN.** — Zusatzakte zu Nr. 8553 und zum Vorigen.

Brüssel, 14. Dezember 1900.

Nr. 12485. Vertragsstaaten. 14. Dez. 1900.

Sa Majesté le Roi des Belges; le Président des États-Unis du Brésil; Sa Majesté le Roi de Danemark; le Président de la République Dominicaine; Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine Régente du Royaume; le Président des États-Unis d'Amérique; le Président de la République Française; Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes; Sa Majesté le Roi d'Italie; Sa Majesté l'Empereur du Japon; Sa Majesté la Reine des Pays-Bas; Sa Majesté le Roi de Portugal et des Algarves; Sa Majesté le Roi de Serbie; Sa Majesté le Roi de Suède et de Norvège; le Conseil fédéral de la Confédération suisse; le Gouvernement Tunisien, || ayant jugé utile d'apporter certaines modifications et additions à la Convention internationale du 20 mars 1883, ainsi qu'au Protocole de clôture annexé à ladite Convention, ont nommé pour Leurs Plénipotentiaires, savoir:

Sa Majesté le Roi des Belges: || M. A. Nyssens, Ancien Ministre de l'Industrie et du Travail; || M. L. Capelle, Envoyé Extraordinaire et Ministre Plénipotentiaire, Directeur général du Commerce et des Consulats au Ministère des Affaires Étrangères; || M. Georges de Ro, Avocat à la Cour d'Appel de Bruxelles, Ancien Secrétaire de l'Ordre; || M. J. Dubois, Directeur général au Ministère de l'Industrie et du Travail, || Le Président des États-Unis du Brésil: || M. da Cunha, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis du Brésil près Sa Majesté le Roi des Belges, || Sa Majesté le Roi de Danemark: || M. H. Holten-Nielsen, Membre de la Commission des Brevets, Enregistreur des marques de fabrique, || Le Président de la République Dominicaine: || M. J.-W. Hunter, Consul général de la Républiqne Dominicaine à Anvers, || Sa Majesté le Roi d'Espagne et, en son nom, Sa Majesté la Reine Régente du Royaume: || M. de Villa Urrutia, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, || Le Président des États-Unis d'Amérique: || M. Lawrence Townsend, Envoyé Extraordinaire et Ministre Plénipotentiaire des États-Unis d'Amérique près Sa Majesté le Roi des Belges; || M. Francis Forbes; || M. Walter H. Chamberlin, Assistant Commissioner of Patents, || Le Président de la République Française: || M. Gérard, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges; || M. C. Nicolas, Ancien Conseiller d'État, Directeur honoraire au Ministère du Commerce, de l'Industrie, des Postes et des Télégraphes; || M. Michel Pelletier, Avocat à la Cour d'Appel de Paris, || Sa Majesté la Reine du Royaume-Uni de la Grande-Bretagne et d'Irlande, Impératrice des Indes: || Le Très Hon[ble] C. B. Stuart Wortley, M. P.; || Sir Henry Bergne, K. C. M. G., Chef du Département commercial au Foreign Office; || M. C. N. Dalton, C. B., Comptroller General of Patents, || Sa Majesté le Roi d'Italie: || M. Romeo Cantagalli, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté

le Roi des Belges; || M. le commandeur Carlo-Francesco Gabba, Sénateur, Professeur à l'Université de Pise; || M. le chevalier Samuele Ottolenghi, Chef de division au Ministère de l'Agriculture, de l'Industrie et du Commerce, Directeur du Bureau de la Propriété industrielle, || Sa Majesté l'Empereur du Japon: || M. Itchiro Motono, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, || Sa Majesté la Reine des Pays-Bas: || M. F.-W.-J.-G. Snyder van Wissenkerke, Docteur en droit, Conseiller au Ministère de la Justice, Directeur du Bureau de la Propriété industrielle, || Sa Majesté le Roi de Portugal et des Algarves: || M. le Conseiller E. Madeira Pinto, Directeur Général au Ministère des Travaux Publics, du Commerce et de l'Industrie, || Sa Majesté le Roi de Serbie: || M. le Dr. Michel Vouïtch, son Envoyé Extraordinaire et Ministre Plénipotentiaire à Paris, || Sa Majesté le Roi de Suède et de Norvège: || M. le comte Wrangel, son Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges, || Le Conseil fédéral de la Confédération suisse: || M. J. Borel, Consul Général de la Confédération suisse à Bruxelles; || M. le Dr. Louis-Rodolphe de Salis, Professeur à Berne, || Le Président de la République Française: || Pour la Tunisie: || M. Gérard, Envoyé Extraordinaire et Ministre Plénipotentiaire près Sa Majesté le Roi des Belges; || M. Bladé, Consul de première classe au Ministère des Affaires Étrangères de France. || Lesquels, après s'être communiqué leurs pleins pouvoirs respectifs, trouvés en bonne et due forme, sont convenus des articles suivants:

Article premier.

La Convention internationale du 20 mars 1883 est modifiée ainsi qu'il suit: || I. — L'article 3 de la Convention aura la teneur suivante: || Art. 3. — Sont assimilés aux sujets ou citoyens des États contractants, les sujets ou citoyens des États ne faisant pas partie de l'Union, qui sont domiciliés ou ont des établissements industriels ou commerciaux effectifs et sérieux sur le territoire de l'un des États de l'Union.

II. — L'article 4 aura la teneur suivante: || Art. 4. — Celui qui aura régulièrement fait le dépôt d'une demande de brevet d'invention, d'un dessin ou modèle industriel, d'une marque de fabrique ou de commerce, dans l'un des États contractants, jouira, pour effectuer le dépôt dans les autres États, et sous réserve des droits des tiers, d'un droit de priorité pendant les délais déterminés ci-après. || En conséquence, le dépôt ultérieurement opéré dans l'un des autres États de l'Union, avant l'expiration de ces délais, ne pourra être invalidé par des faits accomplis dans l'intervalle, soit, notamment, par un autre dépôt, par la publication de l'invention ou son exploitation, par la mise en vente d'exemplaires du dessin ou du modèle, par l'emploi de la marque. || Les délais de priorité mentionnés ci-dessus seront de douze mois pour les brevets d'invention, et de quatre mois pour les dessins ou modèles industriels, ainsi que pour les marques de fabrique ou de commerce.

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III. — Il est inséré dans la Convention un article 4 bis ainsi conçu: || Art. 4 bis. — Les brevets demandés dans les différents États contractants par des personnes admises au bénéfice de la Convention aux termes des articles 2 et 3, seront indépendants des brevets obtenus pour la même invention dans les autres États adhérents ou non à l'Union. || Cette disposition s'appliquera aux brevets existants au moment de sa mise en vigueur. || Il en sera de même, en cas d'accession de nouveaux États, pour les brevets existant de part et d'autre au moment de l'accession.

IV. — Il est ajouté à l'article 9 deux alinéas ainsi conçus: || Dans les États dont la législation n'admet pas la saisie à l'importation, cette saisie pourra être remplacée par la prohibition d'importation. || Les autorités ne seront pas tenues d'effectuer la saisie en cas de transit.

V. — L'article 10 aura la teneur suivante: || Art. 10. — Les dispositions de l'article précédent seront applicables à tout produit portant faussement, comme indication de provenance, le nom d'une localité déterminée, lorsque cette indication sera jointe à un nom commercial fictif ou emprunté dans une intention frauduleuse. || Est réputé partie intéressée tout producteur, fabricant ou commerçant, engagé dans la production, la fabrication ou le commerce de ce produit, et établi soit dans la localité faussement indiquée comme lieu de provenance, soit dans la région où cette localité est située.

VI. — Il est inséré dans la Convention un article 10 bis ainsi conçu: || Art. 10 bis. — Les ressortissants de la Convention (art. 2 et 3) jouiront, dans tous les États de l'Union, de la protection accordée aux nationaux contre la concurrence déloyale.

VII. — L'article 11 aura la teneur suivante: || Art. 11. — Les Hautes Parties contractantes accorderont, conformément à la législation de chaque pays, une protection temporaire aux inventions brevetables, aux dessins ou modèles industriels, ainsi qu'aux marques de fabrique ou de commerce, pour les produits qui figureront aux Expositions internationales officielles ou officiellement reconnues, organisées sur le territoire de l'une d'elles.

VIII. — L'article 14 aura la teneur suivante: || Art. 14. — La présente Convention sera soumise à des revisions périodiques en vue d'y introduire les améliorations de nature à perfectionner le système de l'Union. || A cet effet, des Conférences auront lieu successivement, dans l'un des États contractants, entre les Délégués desdits États.

IX. — L'article 16 aura la teneur suivante: || Art. 16. — Les États qui n'ont point pris part à la présente Convention seront admis à y adhérer sur leur demande. || Cette adhésion sera notifiée par la voie diplomatique au Gouvernement de la Confédération suisse, et par celui-ci à tous les autres. || Elle emportera, de plein droit, accession à toutes les clauses et admission à tous les avantages stipulés par la présente Convention, et produira ses effets un mois après l'envoi de la notification faite par le Gouvernement suisse aux

autres États unionistes, à moins qu'une date postérieure n'ait été indiquée par l'État adhérent.

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Article 2.

Le Protocole de clôture annexé à la Convention internationale du 20 mars 1883 est complété par l'addition d'un numéro 3 bis, ainsi conçu: || 3 bis. Le breveté, dans chaque pays, ne pourra être frappé de déchéance pour cause de non-exploitation qu'après un délai minimum de trois ans, à dater du dépôt de la demande dans le pays dont il s'agit, et dans le cas où le breveté ne justifierait pas des causes de son inaction.

Article 3.

Le présent Acte additionnel aura même valeur et durée que la Convention du 20 mars 1883. || Il sera ratifié, et les ratifications en seront déposées à Bruxelles, au Ministère des Affaires Étrangères, aussitôt que faire se pourra, et au plus tard dans le délai de dix-huit mois à dater du jour de la signature. || Il entrera en vigueur trois mois après la clôture du procès-verbal de dépôt. || En foi de quoi les Plénipotentiaires respectifs ont signé le présent Acte additionnel. || Fait à Bruxelles, en un seul exemplaire, le 14 décembre 1900.

(Unterschriften.)

Nr. 12486. DEUTSCHES REICH. — Denkschrift dem Reichstage mit vorstehenden Aktenstücken vorgelegt.

Berlin, 9. Mai 1901.

Nr. 12486. Deutsches Reich. 9. Mai 1901.

In der Denkschrift, welche dem Abkommen mit Österreich-Ungarn über den gegenseitigen Patent-, Muster- und Markenschutz bei der Vorlage an den Reichstag (Nr. 579 der Drucksachen von 1890|92) beigegeben war, ist einleitend bemerkt worden, dafs mit der Entwickelung der Beziehungen, welche auf dem Gebiete des industriellen Verkehrs zwischen den Staaten und Völkern bestehen, eine vertragsmäfsige Ausgleichung der vorhandenen Verschiedenheiten in der nationalen Gesetzgebung über das Patent-, Muster- und Markenwesen an Bedeutung gewinne. Hieraus ergiebt sich, wie dort weiter ausgeführt ist, das Bedürfnis, den internationalen Rechtsschutz, welcher früher in den Handelsverträgen in Form der Gleichstellung der beiderseitigen Staatsangehörigen programmatisch festgelegt war, in besonderen Vereinbarungen nach allen Beziehungen auszugestalten. Aus dieser Erwägung heraus haben eine gröfsere Anzahl von Staaten zu Paris unter dem 20. März 1883 einen Vertrag (convention internationale) geschlossen, in welchem die Bedingungen der gegenseitigen Zulassung zur Erlangung und Geltendmachung des Patent-, Muster- und Markenschutzes im einzelnen festgelegt worden sind. Dieser Vereinigung, welche den Namen „Union internationale pour la protection de la propriété industrielle“ führt, sind später mehrere andere Staaten beigetreten. Die gegenwärtige Zusammensetzung des Verbandes ergiebt sich aus dem als Anlage A

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beigefügten Verzeichnisse. || In Deutschland ist die weitgehende Bedeutung der Vereinigung von vornherein gewürdigt worden. Wenn das Reich gleichwohl sich zunächst nicht angeschlossen hat, so beruht dies auf der Thatsache, dafs einzelne wichtige Bestimmungen des Vertrags mit dem bewährten Systeme der deutschen inneren Gesetzgebung, namentlich auf dem Gebiete des Patentwesens, nicht wohl in Einklang zu bringen waren. Deutschland sah sich daher darauf angewiesen, in thunlichster Anlehnung an die Grundgedanken der Union, aber unter Berücksichtigung der bei uns obwaltenden besonderen Einrichtungen und Bedürfnisse durch Sonderverträge mit einzelnen Staaten einen internationalen Zusammenschlufs anzubahnen. Verträge dieser Art sind aufser mit Österreich-Ungarn noch mit Italien, der Schweiz und Serbien vereinbart. Während entsprechende Verhandlungen mit anderen Staaten schwebten, trat innerhalb der Union die Geneigtheit hervor, durch Abänderung der für uns nicht annehmbaren Vertragsbestimmungen dem Reiche den Beitritt zu ermöglichen. Auf Konferenzen, welche 1897 und 1900 unter Beteiligung von deutschen Delegierten in Brüssel gepflogen worden sind, ist eine volle Verständigung erreicht worden. Es handelte sich hierbei vornehmlich um die sogenannte Prioritätsfrist für die Nachsuchung des Patentschutzes in anderen Ländern und um den Ausführungszwang. In ersterer Beziehung setzte Artikel 4 des Unionsvertrags in seiner ursprünglichen Fassung die Frist, innerhalb deren eine im Heimatsstaate zum Schutze angemeldete Erfindung in anderen Verbandsländern in der Weise angemeldet werden kann, dafs der Schutzerteilung die in der Zwischenzeit erfolgten Veröffentlichungen, anderweitigen Anmeldungen etc. nicht entgegenstehen, auf sechs Monate fest. Diese Frist genügte für die deutschen Verhältnisse deshalb nicht, weil das Vorprüfungsverfahren bei uns durchschnittlich etwa sieben Monate in Anspruch nimmt. Die Prioritätsfrist wäre also abgelaufen, bevor ein Anmelder durch eine endgültige Entscheidung der deutschen Behörde über die Schutzfähigkeit seiner Erfindung in den Stand gesetzt wäre, sich über die Anmeldung in anderen Staaten schlüssig zu machen. || Um bei dieser Sachlage auch deutschen Erfindern die prioritätischen Vorteile in vollem Umfange zugänglich zu machen, ist durch einstimmigen Beschlufs der Verbandsstaaten nunmehr die Dauer der Frist auf zwölf Monate verlängert worden. || Was den Ausführungszwang anlangt, so stand der Unionsvertrag (Artikel 5) — der damals fast allgemein geteilten Auffassung entsprechend — auf dem Standpunkte, dafs der Patentinhaber zum Ausgleiche des ihm zustehenden ausschliefslichen Benutzungsrechts gehalten sei, durch praktische Ausführung der Erfindung das Gewerbsleben jedes Landes, welches ihm dieses Vorrecht gewähre, an dem Nutzen der Neuerung teilnehmen zu lassen. Inwieweit dieser Standpunkt wirtschaftlich und urheberrechtlich begründet ist, mag dahingestellt bleiben. Praktisch führt er zu der Konsequenz, dafs der Erfinder in jedem Lande, in dem er ein Patent erlangt hat, Fabriken errichten mufs. Dafs diese Folge gerade für Deutschland mit seiner auf den Export gerichteten Industrie und für deutsche Erfinder, welche dementsprechend zur

Patententnahme in vielen Ländern genötigt sind, eine schwere Benachteiligung darstellt, bedarf keiner näheren Darlegung. Nun ist es zwar nicht gelungen, dem Gedanken einer vollen internationalen Beseitignng des Ausführungszwanges Eingang zu verschaffen. Immerhin ist auf den Konferenzen zu Brüssel für eine Frist von drei Jahren, gerechnet von dem Anmeldungstag in jedem Lande, völlige Freiheit, für die darüber hinausliegende Zeit die Berücksichtigung derjenigen Umstände, welche die Unthätigkeit des Erfinders nach billigem Ermessen zu rechtfertigen geeignet sind, vereinbart worden. Hiermit sind wenigstens die schwersten Mifsstände beseitigt. Eine Frist von drei Jahren genügt, um eine Erfindung auf ihre praktische Brauchbarkeit und auf ihre Absatzfähigkeit im Verkehre zu erproben; der Erfinder ist also nicht ferner genötigt, zu einer Zeit, wo er über den wirtschaftlichen Erfolg seiner Erfindung noch im unklaren ist, Aufwendungen für die Errichtung von Fabriken etc. in fremden Ländern zu machen.

Die vorstehend erörterten Änderungen des Unionsvertrags sind in Verbindung mit einigen anderen, für uns minder bedeutsamen Ergänzungen in einer Zusatzakte zusammengefafst, welche am 14. Dezember 1900 zu Brüssel von den Vertretern sämtlicher Unionsstaaten gezeichnet worden ist. || Der Beitritt des Reichs, welcher die Annahme des Madrider Protokolls d. d. 15. April 1891, über die Dotierung des internationalen Bureaus zu Bern mit sich bringt, soll auf dem im Artikel 16 des Vertrags vorgesehenen Wege erklärt und zu dem Zeitpunkt in Wirksamkeit gesetzt werden, wo die Zusatzakte nach ihrer Ratifizierung durch alle Vertragsstaaten auch für diese in Kraft tritt (Artikel 3 der Zusatzakte). Um alsdann jeden weiteren Zeitverlust zu vermeiden, empfiehlt es sich, im Anschlufs an die bereits erteilte Zustimmung des Bundesrats auch die Genehmigung des Reichstags schon jetzt einzuholen. || Für die mit dem Beitritte des Reichs notwendig werdende Umgestaltung der mit Österreich-Ungarn, Italien, der Schweiz und Serbien bestehenden Sonderverträge sind die einleitenden Schritte bereits geschehen. Die drei letztgenannten Staaten gehören der Union an, während Österreich und Ungarn ebenso wie wir beizutreten gewillt sind.

Im einzelnen ist noch folgendes zu vermerken. || Die in den Artikeln 2 und 3 ausgesprochene wechselseitige Gleichstellung der Angehörigen der Verbandsstaaten mit den eigenen Staatsunterthanen entspricht inhaltlich der einleitenden Festsetzung in den von Deutschland abgeschlossenen Sonderverträgen. Wenn — der Sachlage zur Zeit des Abschlusses der Union entsprechend — die Gebrauchsmuster ausdrückliche Erwähnung nicht gefunden haben, so kann es doch keinem Zweifel unterliegen, dafs der Beitritt zu einem das gesamte Gebiet der gewerblichen Schutzrechte umfassenden Abkommen für Deutschland von selbst die Verpflichtung nach sich zieht, auch den Schutz der Gebrauchs-

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muster den Verbandsstaaten einzuräumen. || Artikel 3 (in der Fassung der Zusatzakte) bringt den Gedanken zum Ausdrucke, dafs die vertragsmäfsigen Rechte über den Kreis der Staatsangehörigen hinaus auch denjenigen Personen zustehen sollen, welche in einem Verbandsstaat einen Wohnsitz oder eine gewerbliche Niederlassung besitzen. Hierbei ist die — in sich flüssige — Unterscheidung zwischen Haupt- und Nebenniederlassung vermieden. Die Niederlassung darf aber nicht nur zum Schein begründet sein. || Artikel 4 (in der Fassung der Zusatzakte) enthält die bereits im Eingange der Denkschrift erörterte Vereinbarung über die durch die Anmeldung in einem Staate für alle übrigen Staaten begründeten prioritätischen Rechte. Die Ausdehnung der Frist auf zwölf Monate für Patentanmeldungen läfst es für Deutschland angängig erscheinen, unter Verzicht auf diejenige Berechnungsmethode, welche den entsprechenden Festsetzungen in unseren Sonderverträgen zu Grunde liegt, als Ausgangspunkt der Frist den Tag der ersten Anmeldung in einem der Verbandsstaaten zu acceptieren. || Bei der Verschiedenheit der Fristdauer zwischen Patenten einerseits und Mustern und Marken andererseits können im einzelnen Falle Zweifel darüber entstehen, wie diejenigen Gegenstände zu behandeln sind, welche in Deutschland als Gebrauchsmuster, in anderen Verbandsstaaten entweder als Erfindungen oder als Muster behandelt werden. Allgemein gültige Regeln hierüber konnten nicht vereinbart werden, da die Einrichtung eines besonderen Gebrauchsmusterschutzes der Gesetzgebung des Auslandes fremd ist. Der Wortlaut des Artikel 4 giebt indessen einen Anhaltspunkt dahin, dafs der Charakter des Schutzrechts im Ursprungslande für die Fristdauer entscheidend ist. Hiernach wird ein deutsches Gebrauchsmuster, seinem Namen und der inneren Art dieses Rechtes gemäfs, für die Anmeldung im Auslande sei es als Erfindung sei es als Muster, eine Priorität von vier Monaten zu beanspruchen haben, während einer ausländischen Patentanmeldung, auch wenn sie in Deutschland als Gebrauchsmuster in die Erscheinung tritt, eine Priorität für die Dauer von zwölf Monaten zusteht. || Der im Artikel 4b (Zusatzakte) aufgestellte Grundsatz der gegenseitigen Unabhängigkeit der in mehreren Staaten für den gleichen Gegenstand erteilten Patente deckt sich mit der in Deutschland herrschenden Rechtsauffassung.

Artikel 5. Die Freigabe des Ein- und Ausfuhrverkehrs mit patentierten Gegenständen verspricht der deutschen Industrie in ihren Beziehungen zu denjenigen Ländern, deren innere Gesetzgebung Rechtsnachteile hinsichtlich des Bestandes des Schutzrechts an die Einfuhr knüpft, eine wesentliche Erleichterung. || Der im Grundsatz aufrecht erhaltene Ausführungszwang ist für die Praxis durch die Festsetzung im Artikel 2 der Zusatzakte in einem den deutschen Interessen genügenden Umfange gemildert worden, wie im Eingange der Denkschrift näher ausgeführt ist. Als Gründe, welche über die dreijährige Frist der unbedingten Ausführungsfreiheit hinaus die Unthätigkeit des Patentinhabers mit der Wirkung rechtfertigen, dafs der Verfall des Patents nicht ausgesprochen werden darf, sollen nach einer zum Protokoll der Brüsseler

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Konferenz von den deutschen Delegierten abgegebenen und von anderen Seiten als zutreffend anerkannten Erklärung Krankheit, Mittellosigkeit des Patentinhabers, vergebliche Licenzangebote und andere von dem Willen des Patentinhabers unabhängige Umstände durch die zuständigen Behörden in angemessene Berücksichtigung gezogen werden. || Die Artikel 6 bis 10 nebst der Erläuterung unter Ziffer 4 des Schlufsprotokolls und den Ergänzungen und Änderungen unter IV und V der Zusatzakte regeln die Verhältnisse der Fabrik- und Handelsmarken (Waarenzeichen) und der Handelsnamen. In wesentlicher Übereinstimmung mit den Grundsätzen, welche in den von Deutschland geschlossenen Sonderverträgen angenommen sind, sollen Marken, welche in dem Ursprungslande geschützt sind, in allen übrigen Verbandsländern zum Schutze zugelassen werden, auch wenn sie den hier geltenden Vorschriften über die Form und äufsere Gestaltung nicht entsprechen. Unberührt bleiben selbstverständlich die von der Gesetzgebung der einzelnen Länder an die materielle Rechtsgültigkeit der Marke gestellten Anforderungen. Beispielsweise wird das deutsche Patentamt Marken unerachtet ihrer Eintragung in einem Verbandsstaate zurückzuweisen haben, welche sich als Freizeichen darstellen, welche deskriptive Angaben enthalten, oder welche mit einer früher angemeldeten Marke übereinstimmen, sofern deren Inhaber Widerspruch erhebt (§§ 4 bis 6 des Gesetzes zum Schutze der Warenbezeichnungen vom 12. Mai 1894 — Reichs-Gesetzbl. S. 441 —). || Die Vorschriften über die Beschlagnahme von Waaren, welche unrichtige Firmenangaben, Marken oder Ursprungsbezeichnungen tragen (Artikel 9 und 10), sind mit § 17 des vorerwähnten deutschen Gesetzes vereinbar. || Die gegenseitige Einräumung des gesetzlichen Schutzes gegen unlauteren Wettbewerb (Artikel 10b der Zusatzakte) entspricht einem in Deutschland wiederholt laut gewordenen, bei der Natur des Gegenstandes voll berechtigten Verlangen. || Der provisorische Schutz für Erfindungen etc. aus Anlafs von internationalen Ausstellungen (Artikel 11 der Zusatzakte) wird im Falle des Bedarfs im Wege der inneren Gesetzgebung herbeizuführen sein. || Zu den Kosten des internationalen Bureaus in Bern wird nach Mafsgabe des Artikel 13 in Verbindung mit Ziffer 6 des Schlufsprotokolls und Artikel 1 des Madrider Protokolls vom 15. April 1891 das Deutsche Reich einen durch den Reichshaushalt bereit zu stellenden Anteil von jährlich etwa 3000 ℳ zu leisten haben. || Die übrigen Bestimmungen des Vertrags geben zu besonderen Bemerkungen keinen Anlafs.

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Anlage.

Verzeichnis *)

derjenigen Staaten, welche der internationalen Konvention vom 20. März 1883 und dem Protokoll vom 15. April 1891, betreffend die Dotierung des internationalen Bureaus, beigetreten sind.

Staaten	Zeitpunkt des Beitritts	Bemerkungen
Belgien	20. März 1883	
Brasilien	20. März 1883	
Dänemark nebst den Faroern	1. Oktober 1894	
Dominikanische Republik	20. Oktober 1884	ausgeschieden: 15. März 1889, wieder eingetreten: 11. Juli 1890
Spanien	20. März 1883	
Vereinigte Staaten von Amerika	30. Mai 1887	
Frankreich mit Algier und den Kolonien	20. März 1883	
Grofsbritannien	17. März 1884	
mit Neu-Seeland und Queensland	7. September 1891	
Italien	20. März 1883	
Japan	15. Juli 1899	
Norwegen	1. Juli 1885	
Niederlande	20. März 1883	
mit Niederländisch Indien	1. Oktober 1888	
„ Surinam	1. Juli 1890	
„ Curaçao	1. Juli 1890	
Portugal (mit den Azoren und Madeira)	20. März 1883	
Serbien	20. März 1883	
Schweden	1. Juli 1885	
Schweiz	20. März 1883	
Tunis	20. März 1884	

Nr. 12487. DEUTSCHES REICH und BELGIEN. — Zusatzvertrag zu dem Auslieferungsvertrage vom 24. Dezember 1874. — Nebst Denkschrift.

Brüssel, 28. November 1900.

Nr. 12487. Deutsches Reich und Belgien. 28. Nov. 1900.

Nachdem Seine Majestät der Deutsche Kaiser, König von Preufsen, im Namen des Reichs, und Seine Majestät der König der Belgier beschlossen haben, die Bestimmungen des Auslieferungsvertrags vom 24. Dezember 1874

*) Die Staaten Guatemala und Salvador, welche die Konvention vom 20. März 1883 mitgezeichnet hatten, sowie Ecuador, welches nachträglich beigetreten war, sind inzwischen ausgeschieden.

über die Freilassung einer vorläufig festgenommenen Person abzuändern und zu diesem Zwecke einen Zusatzvertrag abzuschliefsen, haben Allerhöchstdieselben zu Ihren Bevollmächtigten ernannt: || Seine Majestät der Deutsche Kaiser, König von Preufsen: || den Herrn Friedrich Johann Grafen von Alvensleben, Allerhöchstihren aufserordentlichen Gesandten und bevollmächtigten Minister bei Seiner Majestät dem Könige der Belgier, Wirklichen Geheimen Rat und Kammerherrn, Ritter des Königlich Preufsischen Rothen Adler-Ordens erster Klasse mit Eichenlaub, Grofskreuz des Königlich Belgischen Leopold-Ordens etc., etc., || Seine Majestät der König der Belgier: || den Herrn Paul de Favereau, Senator, Allerhöchstihren Minister der auswärtigen Angelegenheiten, Ritter des Leopold-Ordens, Grofskreuz des Ordens der Bayerischen Krone etc., etc., || welche nach gegenseitiger Mitteilung ihrer in guter und gehöriger Form befundenen Vollmachten folgende Artikel vereinbart haben:

Artikel 1.

An die Stelle der Absätze 2 und 3 des Artikel 9 des zwischen dem Deutschen Reiche und Belgien am 24. Dezember 1874 abgeschlossenen Auslieferungsvertrags treten folgende Absätze: „In diesem Falle kann der vorläufig Festgenommene wieder auf freien Fufs gesetzt werden, wenn nicht binnen achtzehn Tagen nach dem Tage seiner Festnahme der Auslieferungsantrag mit einem der im Artikel 8 des gegenwärtigen Vertrags aufgeführten gerichtlichen Schriftstücke auf diplomatischem Wege bei der ersuchten Regierung eingegangen ist.“ || „Der vorläufig Festgenommene mufs in Freiheit gesetzt werden, wenn ihm nicht binnen drei Wochen nach dem Tage seiner Festnahme von einem der im vorstehenden Absatze bezeichneten Schriftstücke Mitteilung gemacht worden ist.“ || „Die vertragschliefsenden Teile machen sich verbindlich, die Stellung des Auslieferungsantrags zu beschleunigen, sobald die vorläufige Festnahme, sei es unmittelbar, sei es auf diplomatischem Wege, beantragt worden ist.“

Artikel 2.

Der gegenwärtige Zusatzvertrag soll ratifiziert werden. || Er soll zehn Tage nach Austausch der Ratifikationsurkunden, der sobald als möglich erfolgen wird, in Kraft treten und soll dieselbe Gültigkeit und Dauer haben, wie der Auslieferungsvertrag vom 24. Dezember 1874. || Zu Urkund dessen haben die beiderseitigen Bevollmächtigten ihn vollzogen und ihre Siegel beigedrückt.

Geschehen in Brüssel, in doppelter Ausfertigung am 28. November 1900.

(L. S.) Alvensleben. (L. S.) P. de Favereau.

Denkschrift,
dem Deutschen Reichstage vorgelegt.

Der Artikel 9 des deutsch-belgischen Auslieferungsvertrags vom 24. Dezember 1874 (Reichs-Gesetzbl. 1875 S. 82) bestimmt im Absatz 1, dass ein

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flüchtiger Verbrecher, dessen Auslieferung beantragt werden soll, vorläufig festgenommen werden kann, und im Absatz 2, dass der vorläufig Festgenommene wieder auf freien Fufs gesetzt werden mufs, wenn ihm nicht binnen 15 Tagen nach seiner Verhaftung eines der zur Begründung des Auslieferungsantrags erforderlichen Schriftstücke mitgeteilt worden ist. Nach Artikel 9 Absatz 3 beträgt diese Frist drei Wochen, wenn es sich um eine Auslieferung zwischen einem nicht an Belgien grenzenden Bundesstaat und Belgien handelt. Hiernach gilt für Preufsen, das an Belgien grenzt, eine Frist von 15 Tagen, für alle anderen Bundesstaaten und Elsafs-Lothringen eine solche von drei Wochen. || Die Festsetzung verschiedener Fristen, je nachdem der andere Staat an Belgien grenzt oder nicht angrenzt, beruhte auf dem belgischen Auslieferungsgesetze vom 15. März 1874. Dieses Gesetz ist durch Gesetz vom 28. Juni 1889 dahin abgeändert worden, dass die Frist, während deren ein flüchtiger Verbrecher in Belgien vorläufig festgehalten werden kann, allen europäischen Staaten gegenüber drei Wochen betragen soll. Dementsprechend ist, zur Beseitigung der Ungleichmäfsigkeit, die im Auslieferungsverkehre mit Belgien zu Ungunsten Preufsens besteht, in dem am 28. November v. J. in Brüssel unterzeichneten Zusatzvertrage zu dem deutsch-belgischen Auslieferungsvertrage vereinbart worden, dafs die Frist, die bisher 15 Tage oder drei Wochen beträgt, künftig ohne Unterschied drei Wochen betragen soll. || Diese Frist bezieht sich indes nur auf die Mitteilung der zur Begründung des Auslieferungsantrags dienenden Schriftstücke an den vorläufig Festgenommenen (Artikel 1 Absatz 3 des Zusatzvertrags). Da diese Mitteilung in den Händen der Behörden des ersuchten Landes liegt, so hängt die Einhaltung der Frist vor allem davon ab, ob sie die Mitteilung mit der erforderlichen Beschleunigung bewirken. Den Vorzug würde es daher verdienen, wenn, wie in anderen Auslieferungsverträgen des Reichs, so auch mit Belgien die weitere Festhaltung davon hätte abhängig gemacht werden können, dafs der Auslieferungsantrag unter Beibringung der erforderlichen Schriftstücke innerhalb einer bestimmten Frist gestellt wird. Denn die Stellung dieses Antrags, wie die Beibringung der Schriftstücke liegt ganz in der Hand des die Auslieferung nachsuchenden Teiles. Auf eine solche Regelung konnte die Belgische Regierung indes mit Rücksicht auf das belgische Auslieferungsgesetz nicht eingehen, und es blieb daher nur übrig, neben der Frist für die Mitteilung an den Festgenommenen noch eine Frist vorzusehen, nach deren Ablauf, wenn der Auslieferungsantrag nicht vorher gestellt ist, die Freilassung erfolgen kann. Diese Frist war kürzer als die Frist von drei Wochen zu bemessen, weil nach Stellung des Auslieferungsantrags noch einige Tage für die Mitteilung an den Festgenommenen frei bleiben müssen. Sie ist daher in Artikel 1 Absatz 2 des Zusatzvertrages auf 18 Tage festgesetzt worden. || Der Absatz 4 des Artikel 1, der beide Teile verpflichtet, den Antrag auf Auslieferung eines vorläufig Festgenommenen zu beschleunigen, sobald die vorläufige Festnahme, sei es unmittelbar, sei es auf diplomatischem Wege, beantragt worden ist, hat

auch insofern Bedeutung, als darin anerkannt wird, dafs der Antrag auf vorläufige Festnahme unmittelbar (von Behörde zu Behörde) gestellt werden kann, was zwar der Übung entspricht, in den Vertrag vom 24. Dezember 1874 aber noch nicht aufgenommen worden war.

Nr. 12487. Deutsches Reich und Belgien. 28. Nov. 1900.

Nr. 12488. SPANIEN und JAPAN. — Handelsvertrag.

Tokio, 28. März 1900.

Nr. 12488. Spanien und Japan. 28. März 1900.

His Majesty the Emperor of Japan, and His Majesty the King of Spain and in His Royal name Her Majesty the Queen Regent of the Realm, having resolved to conclude in fulfillment of the stipulation of Article I. of the Protocol signed at Madrid on the 2nd day of the 1st month of the 30th year of Meiji, corresponding to January 2, 1897, a special commercial convention, based upon the principle of reciprocity, concerning the import duties to be levied upon the goods and merchandize of either of the two Contracting Parties imported into the other, have for that purpose named as their Plenipotentiaries, that is to say: || His Majesty the Emperor of Japan, Viscount Aoki Siuzo, Junii, First Class of the Imperial Order of the Rising Sun, His Imperial Majesty's Minister of State for Foreign Affairs, and || His Majesty the King of Spain and in His Royal name Her Majesty the Queen Regent of the Realm, Don Louis de la Barrera y Riera, Knight Grand Cross of the Royal Order of Isabella the Catholic, Commender of number of the Royal and Distinguished Order of Charles III., First Class of the Imperial Order of the Rising Sun and Knight Grand Cross of the Royal Order of Christ of Portugal, His Envoy Extraordinary and Minister Plenipotentiary at the Court of His Majesty the Emperor of Japan; || Who having communicated to each other their Full Powers, found to be in good and due form, have agreed upon and concluded the following Articles:

Article I.

No other or higher duties, under whatever name or denomination levied shall be imposed on the importation into the Spanish Peninsula and the Balearic and Canary Islands, of any article the produce or manufacture of Japan, than on the like article produced or manufactured in any other foreign country. There shall not, however, be accorded to the products of Japan the special advantages accorded to Portugal, nor those special privileges, which may be granted to bordering States in order to facilitate frontier traffic, in so far as such advantages or privileges are exclusive and are not enjoyed by any other States. || Reciprocally, no other or higher duties, under whatever name or denomination levied, shall be imposed on the importation into Japan of any article the produce or manufature of Spain, that is to say: the Peninsula and the Balearic and Canary Islands, than on the like article produced or manufactured in any other foreign country. || It is mutually understood that articles passing through or trans-shipped or deposited at intermediary ports

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or countries, if accompanied by through bills of lading, are assimilated to articles imported direct. || Nor shall any prohibition be maintained or imposed on the importation of any article, the produce or manufacture of the territories of either of the two Contracting Parties into the territories of the other, from whatever place arriving, which shall not equally extend to the importation of the like article being the produce or manufacture of any other country. This provision, however, is not applicable to the sanitary and other prohibitions occasioned by the necessity of protecting the safety of persons or of cattle or of plants useful to agriculture.

Article II.

No other or higher duties or charges shall be imposed in the territories of either of the two Contracting Parties on the exportation of any article to the territories of the other than such as are, or may be, payable on the exportation of the like article to any other foreign country; nor shall any prohibition be imposed on the exportation of any article from the territories of either of the two Contracting Parties to the territories of the other, which shall not equally extend to the exportation of the like article to any other country.

Article III.

Notwithstanding the provision made in the latter part of the second clause of Article XIV. of the Treaty of Friendship and General Intercourse, signed on the 2nd day of the 1st month of the 30th year of Meiji, corresponding to January 2, 1897, to the effect that the first clause of the same Article shall not apply to the special treatment reserved by Spain to the Spanish-American Republics, and not extended to any other country, in respect of commerce and navigation, it is now agreed that such special treatment shall be unconditionally granted to Japan from the date this Convention takes effect.

Article IV.

The present Convention shall go into operation immediately after the exchange of the ratifications thereof. || Either Contracting Party shall have the right, at any time after five years shall have elapsed from the date this Convention takes effect, to give notice to the other of its intention to terminate the same and at the expiration of twelve months after such notice is given, this Convention shall wholly cease and determine.

Article V.

The present Convention is written in six copies; viz.: two in the Japanese two in the Spanish and two in the English language; and in case there should be found any discrepancy between the Japanese and Spanish texts, it will be decided in conformity with the English text.

Article VI.

This Convention shall be ratified and the ratifications thereof shall be exchanged at Tokio as soon as possible. || In witness whereof, the respective Plenipotentiaries have signed the present Convention and have thereunto affixed their seals. || Done at Tokio, this twenty-eighth day of the third month of the thirty-third year of Meiji, corresponding to the 28th of March, 1900.

Signed. Vicomte Aoki.
Signed. Luis de la Barrera y Riera.

Nr. 12489. NIEDERLANDE und SIAM. — Abkommen über die Registrierung niederländischer Unterthanen in Siam.

Bangkok, 1. Mai 1901.

The Government of His Majesty the King of Siam and of Her Majesty the Queen of the Netherlands recognizing the necessity of adopting a modus vivendi concerning the application, under present circumstances, of Article 1 Para. IV of the Treaty of the 17th of December 1860 between Siam and the Netherlands, besides some rules for the settlement of questions which might arise as to the right of any person to hold a Dutch certificate of registration or as to the validity of the certificate itself, the undersigned, His Royal Highness Krom Luang Devawongse Varoprakar, Minister for Foreign Affairs of His Majesty the King of Siam Heer E. T. Van Delden, Consul of Her Majesty the Queen of the Netherlands at Bangkok, duly authorized to that effect, have agreed as follows:

I.

Besides the categories of persons whom the Dutch Law of the 12th of December 1892 recognizes as Netherlands, and as a modus vivendi until Dutch legislation, shall have definitely settled the condition, as to Dutch nationality, of the native population of Dutch colonies, the registration, according to Article IV of the Treaty of the 17th of December 1860, of Dutch subjects residing in Siam shall comprise the following categories:

1. — All children born within Dutch territory in Europe or within a Dutch colony of parents domiciled therein and not subjects of a State other than the Netherlands, or, if the father is unknown, of a mother domiciled therein and not subjects of a State other than the Netherlands; || 2. — All children born in a Dutch colony of unknown parents; || 3. — The wives whose husbands are entitled to be registered under one of the two foregoing categories; || 4. — The widows whose husbands ar entitled, at the moment of their decease, to be registered under one of the above categories No. 1 or 2; || 5. — All children born in foreign countries of persons entitled to be registered under one of the above categories Nos. 1 or 2, provided they have not fulfilled their eighteenth year of age, or they be not married before this age, or

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that their parents have not subsequently ceased to be entitled to registration under the aforesaid categories.

II.

The lists of registration shall be open to the inspection of a properly authorized representative of the Siamese Government on proper notice being given.

III.

If any question arises as to the right of any person to hold a Dutch certificate of registration, or as to the validity of the certificate itself, a joint inquiry shall be held by the Siamese and Dutch authorities, and decide according to the condition laid down in Article 1 of this agreement, or according to any other conditions whereon both Governments may agree in the future, upon evidence to be adduced by the holder of the certificate, in the usual way.

IV.

Should any action, civil or criminal be pending while such inquiry is going on, it shall be determined conjointly in what Court the case shall be heard.

V.

If the person in respect of whom the inquiry is held, come within the conditions for registration laid down in Article 1, he may, if not yet registered, forthwith be registered as a Dutch subject and provided with a certificate of registration at the Netherlands Consulate; otherwise he shall be recognized as falling under Siamese jurisdiction, and if already on the lists of the Netherlands Consulate, his name shall be erased.

In witness whereof the Undersigned have signed the same in duplicate and have affixed thereto their seals at Bangkok, on the first day of May 1901, in the 120th year of Foundation of the City of Bangkok.

(L. S.) [Sgd.] Devawongse Varoprakar.
(L. S.) [Sgd.] E. T. Van Delden.

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